



**CERTIFIED FORENSIC FRAUD EXAMINER (CFFE)**

**MODULE ONE**

**OVERVIEW OF THE LEGAL AND JUSTICE SYSTEM**

**TUESDAY: 3 December 2024. Morning Paper.**

**Time Allowed: 3 hours.**

**This paper consists of one hundred (100) Multiple Choice Questions. Answer ALL questions by indicating the letter (A, B, C or D) that represents the correct answer. Each question is allocated one (1) mark.**

1. Which one of the following statements is **ACCURATE** in regard to prejudgment court order related to assets acquired with proceeds of corruption or fraud?
  - A. Prejudgment is ordered during trial in court
  - B. Prejudgment is ordered during pre-trial
  - C. Prejudgment is ordered after judgement
  - D. None of the above(1 mark)
  
2. Which one of the following statements is **ACCURATE** in regard to the pre-trial process?
  - A. The discovery of evidence is conducted during trial
  - B. The parties involved in pre-trial are the parties to the litigation
  - C. The parties involved in pre-trial are the parties to the litigation and the judge
  - D. The parties involved in pre-trial are the parties' legal representative(1 mark)
  
3. Which one of the following statements is **ACCURATE** in regard to disclosure of evidence in criminal cases in inquisitorial jurisdictions?
  - A. The disclosure of evidence in both criminal and civil cases is the same
  - B. The disclosure of evidence in criminal cases is more stringent than that in civil
  - C. The disclosure of evidence in criminal cases is limited to exhibits only
  - D. The disclosure of evidence in criminal cases is limited to documents or information prepared in anticipation for litigation(1 mark)
  
4. Which one of the following statements is **ACCURATE** in regard to the burden of proof in civil trials in adversarial jurisdictions?
  - A. Only the defence has the burden of proof
  - B. Only the prosecution has the burden of proof
  - C. Each party to the litigation has burden to prove their side of the case
  - D. None of the above(1 mark)
  
5. Which one of the following is **ACCURATE** in regard to the sources of law in the inquisitorial jurisdictions?
  - A. Written legal principles
  - B. Written statutes
  - C. Civil laws
  - D. None of the above(1 mark)

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6. Which one of the following statements is **NOT** accurate in regard to determining criminal trials in adversarial jurisdictions?
- A. Courts apply only substantive laws to determine criminal cases
  - B. Courts can apply court legal principles to determine criminal cases
  - C. Courts apply procedural laws to determine the rules and procedures to be followed to determine criminal cases
  - D. Courts extensively apply common law to determine criminal cases (1 mark)
7. Which one of the following **BEST** describes the parties to a litigation in a fraud civil suit?
- A. All parties involved in a fraud civil suit are parties to the litigation
  - B. The judge, plaintiff and the defendant are the parties to a litigation in a fraud civil suit
  - C. The judge and the plaintiff are the parties to litigation in a fraud civil suit
  - D. None of the above (1 mark)
8. Which one of the following statements is **ACCURATE** in regard to parallel fraud proceedings?
- A. Parallel proceedings can involve criminal, civil and administrative proceedings based on the same facts in issue
  - B. Parallel proceedings can involve criminal, civil and administrative proceedings based on several facts in issue
  - C. Parallel proceedings cannot be conducted concurrently
  - D. Parallel proceedings, can involve several criminal defendants being prosecuted for the same facts in issue (1 mark)
9. Which one of the following statements is **ACCURATE** in regard to the effects of parallel proceedings in a fraud and corruption cases?
- A. Parallel proceedings can enhance sanctions resulting from multiple judgements
  - B. Parallel proceedings can result in fines compensation remedy but not imprisonment
  - C. Parallel proceedings can undermine chances of success in the parallel proceedings
  - D. In parallel proceedings the evidence used in civil litigation cannot be used in criminal proceedings (1 mark)
10. Which one of the following statements is **ACCURATE** in regard to the discovery of evidence in the common law jurisdictions?
- A. The court discovers evidence during pre-trial
  - B. The parties to the litigation discover evidence during trial
  - C. Both the court and the parties to the litigation discover evidence during pre-trial
  - D. None of the above (1 mark)
11. Which one of the following statements is **ACCURATE** in regard to Civil Procedure Act in relation to fraud civil suits?
- A. Civil Procedure Act is a type of legal principle that can be applied in civil fraud cases
  - B. Civil Procedure Act is a type of substantive law that can be applied in civil fraud cases
  - C. Civil Procedure Act is not a type of legal principles that can be applied in civil fraud cases
  - D. None of the above (1 mark)
12. Which one of the following laws sets the rules and procedures that determine economic crimes?
- A. Civil Procedure Act
  - B. Anti-corruption and Economic Crimes Act
  - C. Bribery Act, 2016
  - D. None of the above (1 mark)

13. Which one of the following is a substantive law related to financial crimes?  
A. Criminal Procedure Code  
B. POCAMLA  
C. Anti-Corruption and Economic Crimes Act  
D. Public Financial Management Act (1 mark)
14. Which one of the following statements is **NOT** accurate in regard to case law and fraud cases?  
A. Case law is not a written law and therefore cannot be applied in fraud cases  
B. Case law is a written law and therefore can be applied in fraud cases  
C. Case law is not a substantive law and therefore cannot be applied in fraud cases  
D. Case law is not a procedural law and therefore does not set the rules and procedures for determining fraud cases (1 mark)
15. Which one of the following statements is **NOT** accurate in regard to why the common law jurisdictions process of discovering evidence is adversarial?  
A. The disclosure of evidence to the opposing side before trial  
B. The cross examination by the defence  
C. The burden of proof is on the prosecution  
D. None of the above (1 mark)
16. Which one of the following statements is **NOT** accurate in regard to beyond reasonable doubt standard of proof?  
A. Beyond reasonable doubt standard of proof is highest standard of proof  
B. The defense can make evidence not to be beyond reasonable doubts by creating doubts on the evidence  
C. The defense can make evidence not to be beyond reasonable doubts by creating reasonable doubts on the evidence  
D. It is easy for defense to create reasonable doubts on circumstantial evidence (1 mark)
17. Which one of the following **BEST** describes an application by a winning party in a fraud civil trial?  
A. An injunction  
B. Summary judgement  
C. Damages remedy  
D. None of the above (1 mark)
18. Which one of the following statements is **ACCURATE** in regard to a civil fraud defendant in adversarial jurisdictions?  
A. A civil fraud defendant has a burden of proof against liability  
B. A civil fraud defendant does not have a burden of proof against liability  
C. A civil fraud defendant has strict burden of proof against liability  
D. A civil fraud defendant does not have a burden of proof against penalties (1 mark)
19. Which one of the following statements is **NOT** accurate in regard to criminal proceedings in a fraud trial in the common law jurisdiction?  
A. The prosecution shall present sufficient evidence for the criminal defendant to convicted  
B. The prosecution has the burden to prove the alleged facts in issue  
C. The prosecution appoints their own witnesses  
D. The criminal proceedings the judge or jury are not parties to a criminal proceeding (1 mark)

20. Which one of the following statements is **ACCURATE** in regard to a criminal defendant in fraud trial in the inquisitorial jurisdictions?
- A. The criminal defendant does not have a burden of proof against criminal liability
  - B. The criminal defendant does not have the right to remain silent in a criminal proceeding
  - C. The criminal defendant presents evidence first during the criminal proceedings
  - D. The criminal defendant has the right to remain silent in a criminal proceeding
- (1 mark)
21. Which one of the following statements is **ACCURATE** in regard to common law and fraud cases?
- A. The common law can only be applied on fraud criminal trials
  - B. The common law can only be applied on fraud civil suits
  - C. The common law can be applied on both civil criminal fraud trials
  - D. The common law is not a written law therefore it cannot be applied on fraud trial
- (1 mark)
22. Which one of the following is the **LEAST** effective justice system in combating fraud and corruption?
- A. Criminal prosecution
  - B. Civil action
  - C. Alternative dispute resolution
  - D. Administrative justice system
- (1 mark)
23. Which one of the following bodies of law is the statutory source of law applied on civil fraud cases?
- A. Evidence Act
  - B. Civil Procedure Act
  - C. The law of torts
  - D. The Anti-Corruption and Economics Crimes Act
- (1 mark)
24. Which one of the following is **NOT** a type of administrative laws?
- A. Public Procurement and Assets Disposal Act
  - B. Penal code
  - C. Tax Procedure Act
  - D. Capital markets Act
- (1 mark)
25. Which one of the following is **NOT** a criminal law?
- A. Anti-Corruption and Economic Crimes Act
  - B. Bribery Act
  - C. POCAMLA
  - D. None of the above
- (1 mark)
26. Which one of the following is **NOT** an administrative law?
- A. Public Procurement and Assets Disposal Act
  - B. Public Finance Management Act
  - C. Capital Markets Act
  - D. None of the above
- (1 mark)
27. Which one the following is **NOT** a written law that is related to fraud and corruption?
- A. Anti-Corruption and Economic Crimes Act
  - B. Public Procurement and Disposal Act
  - C. Common law
  - D. None of the above
- (1 mark)

28. Which one of the following are parties to a litigation in civil law jurisdictions in criminal trials?  
A. The presiding judge and the trial judge  
B. The presiding judge and the parties to the litigation  
C. The prosecution and the criminal defendant  
D. The prosecution and the parties to the litigation (1 mark)
29. Which one of the following statements is **ACCURATE** in regard to a fraud civil litigation in Kenya jurisdiction?  
A. Cross examination does not feature in civil fraud litigation  
B. The questioning during the trial process is conducted by parties to the litigation  
C. The defendant can cross examine the plaintiff but the plaintiff cannot cross examine the defendant  
D. The questioning during the trial process is conducted by the judge (1 mark)
30. The disclosure of evidence in criminal trials in inquisitorial jurisdictions occurs in which of the following phases?  
A. Examination and trial phases  
B. Pre-trial and trial phases  
C. Investigation phase only  
D. None of the above (1 mark)
31. Which one of the following statements is **NOT** accurate in regard to duty to preserve evidence in common law jurisdictions?  
A. Failure to preserve evidence relevant to the case can result in legal sanctions  
B. Accidental destruction or loss of relevant documents would result in legal sanctions  
C. The duty to preserve evidence commence during pre-trial  
D. The duty to preserve the documents commences immediately litigation is reasonably anticipated (1 mark)
32. Which one of the following parties has the duty to preserve evidence under civil litigation in civil law jurisdiction?  
A. Court  
B. The trial judge  
C. The defendant  
D. The plaintiff (1 mark)
33. Which one of the following statements is **NOT** accurate in regard to an appeal in a civil suit in Kenya?  
A. The plaintiff can appeal against a favorable judgement  
B. The defendant can appeal against liability judgement  
C. The plaintiff can appeal against liability judgement  
D. Both the plaintiff and the defendant can appeal against damages and liability respectively (1 mark)
34. Which one of the following statements is **ACCURATE** in regard to pre-judgement?  
A. Pre-judgement occurs during trial  
B. Pre-judgement during pre-trial  
C. Pre-judgement occurs when litigation is reasonably anticipated  
D. Pre-judgement occurs in both criminal and civil in civil justice systems (1 mark)
35. Which one of the statements is **NOT ACCURATE** in regard to bargaining plea in adversarial jurisdictions?  
A. Bargaining plea occurs during pre-trial  
B. Bargaining plea occurs during trial  
C. Bargaining plea is part of the criminal justice system  
D. None of the above (1 mark)

36. Which one of the following parties are involved in criminal trial in the civil law jurisdiction?  
A. Prosecution and the criminal defendant  
B. Presiding judge, prosecution and criminal defendant  
C. Presiding judge and trial judge  
D. Prosecution and presiding judge (1 mark)
37. Which one of the following statements is **ACCURATE** in regard to bargaining agreement in civil law jurisdictions?  
A. Civil law jurisdictions do not feature bargaining agreement  
B. Civil law jurisdiction feature bargaining agreement in both criminal and serious civil trials  
C. Civil law jurisdiction bargaining agreement is equivalent to that in the common law jurisdiction  
D. None of the above (1 mark)
38. Which one of the following are parties to a fraud litigation in adversarial jurisdiction in a civil justice system?  
A. The prosecution and the criminal defendant  
B. The presiding judge, prosecution and the criminal defendant  
C. The plaintiff and the defendant  
D. The prosecution and the plaintiff (1 mark)
39. Which one of the following statements is **NOT** accurate in regard to the tribunal court and fraud cases?  
A. Tribunals play a crucial role in specialised areas  
B. Tribunals are not effective because they are less informal  
C. Tribunals are more skilled in handling and evaluating evidence of fraud in specialised areas  
D. The tribunals have the mandate to determine evidence and enforce their judgement (1 mark)
40. The legal system that puts the burden of proof on the party that filled a fraud civil case is called \_\_\_\_\_.  
A. civil law legal system  
B. adversarial legal system  
C. inquisitorial legal system  
D. none of the above (1 mark)
41. Which one of the following statements **BEST** describes the strict burden of proof in a fraud criminal trial in civil law jurisdictions?  
A. The strict burden of proof must be beyond reasonable doubt  
B. The prosecution must prove the case beyond reasonable doubts  
C. Both the prosecution and criminal defendant must prove their case beyond reasonable doubts  
D. None of the above (1 mark)
42. Which one of the following statements is **ACCURATE** in regard to the role of the judge in fraud criminal trials in Kenyan courts?  
A. The judge is a party to a criminal court proceeding  
B. The judge is not a fact finder in criminal court proceeding  
C. The judge is not a party to a criminal court proceeding  
D. The judge has the duty to discover evidence during a court proceeding (1 mark)
43. Which one of the following statements is **ACCURATE** in regard to inculpatory evidence in fraud cases?  
A. Prosecution should only present inculpatory evidence to prove a fraud case beyond reasonable doubt  
B. Prosecution should not present inculpatory evidence to prove a fraud case beyond reasonable doubt  
C. Prosecution should only present inculpatory evidence if the evidence is beyond reasonable doubts  
D. None of the above (1 mark)

44. Which one of the following describes damages' remedy granted by the court of appeal?  
A. Equitable remedy  
B. Damages remedy  
C. Declaratory remedy  
D. Pre- judgement (1 mark)
45. Which one of the following courts has jurisdiction to hear a civil fraud case in Kenyan jurisdiction?  
A. The high court  
B. The anti-corruption court  
C. The lower courts  
D. The court of appeal (1 mark)
46. Which one of the following statements is **NOT** accurate in regard to equitable remedy in Kenyan jurisdiction?  
A. Equitable remedy can only be awarded by the court of appeal  
B. Equitable remedy is awarded by the high court  
C. The civil appellate court can review both legal and factual findings  
D. Equitable remedy is an appeal against damages remedy (1 mark)
47. Which one of the following statements is **NOT** accurate in regard to trial process in a criminal trial in Kenya?  
A. The court discovers evidence during trial  
B. The parties to the litigation discover evidence during pre-trial  
C. Both the court and the parties to the litigation discover evidence during pre-trial  
D. All direct evidence must be discovered by parties to the litigation before trial (1 mark)
48. Which one of the following statements is **ACCURATE** in regard to trial by juries in civil law jurisdictions?  
A. The juries panel is composed of professional judges only  
B. The parties to the litigation are allowed jury challenge for a just reason  
C. Inquisitorial jurisdiction feature jury trial for all serious cases  
D. None of the above (1 mark)
49. Which one of the following statements is **ACCURATE** in regard to the pre-trial process in a criminal fraud court proceeding?  
A. The prosecution must discover all evidence and information that will be presented in court by the defense  
B. The prosecution collect evidence on behalf of the court during pre-trial  
C. The prosecution counsel is not a party to the court criminal proceedings  
D. The prosecution is the alleging party in a criminal court proceeding (1 mark)
50. Which one of the following statements **BEST** describes legal impossibility defense in a court of law in fraud criminal proceedings?  
A. That it is not legally possible for the defendant to have committed the alleged crime  
B. That the defendant did not have intent to commit the criminal offence  
C. That the defendant was not at the scene of the alleged crime  
D. That the alleged offence is immaterial (1 mark)
51. Which one of the following describes the charging document for criminal trials in Kenya jurisdictions?  
A. A charge sheet  
B. A plaint  
C. Search warrant  
D. An application (1 mark)

52. Which one of the following statements is **NOT** accurate in regard to the motion to dismiss a case in common jurisdictions?
- A. It is a request by the defendant to dismiss the case on grounds of lack of jurisdiction
  - B. It is a request by the defendant to dismiss the case on grounds of lack of sufficient evidence
  - C. It is a request by the defendant to dismiss the case on grounds of procedural error
  - D. It is a request by the defendant to dismiss the case on the grounds that the evidence was obtained illegally (1 mark)
53. Which one of the following statements is **ACCURATE** in regard to civil proceeding in civil law jurisdictions?
- A. Investigation phase is part of the court proceedings
  - B. Investigation is not part of the court proceedings
  - C. Investigations phase is driven by the parties to the litigation
  - D. Examination is not part of court proceedings (1 mark)
54. Which one of the following statements is **NOT** accurate in regard to fraud investigation or forensic audit and law?
- A. The fraud examiner must apply law in fraud investigation
  - B. The fraud examiner must identify the legal facts in issue before conducting the investigation
  - C. The legal facts in issue are determined by the court
  - D. The evidence for the legal facts in issue is determined by the court (1 mark)
55. Which one of the following jurisdiction courts discover evidence during pre-trial?
- A. Inquisitorial jurisdictions
  - B. Common law jurisdiction
  - C. Federal jurisdictions
  - D. None of the above (1 mark)
56. Which one of the following statements is **ACCURATE** in regard to legal professional privileges?
- A. Legal professional privileges protect advocate and client communication for legal advice and other purposes
  - B. Legal professional privileges can be extended to a third party for purposes of legal advise
  - C. Legal professional privileges protect all documents and information relevant to the facts in issue
  - D. Legal professional privileges protect all documents prepared in anticipation for litigation (1 mark)
57. Which one of the following statements is **MOST** accurate in regard to court appointed witness in Kenya jurisdiction?
- A. In the Kenyan jurisdiction, the court can appoint a witness to provide oral direct evidence
  - B. In the Kenyan jurisdiction, the court appointed expert witness cannot provide expert testimony in court
  - C. In the Kenyan jurisdictions, the court can appoint an expert witness to provide expert testimony
  - D. None of the above (1 mark)
58. Which one of the following statements is **NOT** accurate in regard to testifying in court in civil law jurisdictions during fraud trials?
- A. In most inquisitorial jurisdictions, the defendant's counsel cannot cross examine the court's expert witness
  - B. In most inquisitorial jurisdictions, the defendant's counsel cannot question the court's expert witness
  - C. In most inquisitorial jurisdictions, the trial judge can question the court's expert witness
  - D. In most inquisitorial jurisdictions, the trial judge cannot question the court's expert (1 mark)



59. Which one of the following statements is **ACCURATE** in regard to corporate bargaining agreement?
- A. A corporate cannot enter into a bargaining agreement because it cannot plead guilty
  - B. A corporate can enter into a bargaining agreement and plead guilty
  - C. A corporate cannot enter into a bargaining agreement if the prosecution does not have sufficient evidence
  - D. None of the above
- (1 mark)
60. Which one of the following statements is **NOT** accurate in regard to the application of law in economic crimes?
- A. The main source of law in Kenya jurisdiction in economic crimes is the Anti-Corruption and Economic Crimes Act
  - B. Kenya jurisdiction apply only written law in economic crimes
  - C. Kenya jurisdiction heavily applies legal statutes in economic crimes
  - D. Kenya jurisdiction use the criminal Procedure Act to determine the procedures to be followed in determining economics crimes
- (1 mark)
61. Which one of the following **BEST** describes beyond reasonable standard of proof?
- A. Beyond reasonable doubt standard of proof is evidence with the heaviest weight of evidence
  - B. Beyond reasonable doubt standard of proof is evidence that can withstand reasonable doubts
  - C. Beyond reasonable doubt standard of proof is evidence that can withstand criticism
  - D. Beyond reasonable doubt standard of proof is evidence that can withstand doubts
- (1 mark)
62. If an agent engages in abuse of office, which type of laws will be violated by the agent?
- A. Written law
  - B. Legal statute
  - C. Legal principles
  - D. Constitution law
- (1 mark)
63. Which one of the following describes the phase in which a civil trial in Kenya jurisdiction commences?
- A. Examination phase
  - B. Investigation phase
  - C. Trial phase
  - D. None of the above
- (1 mark)
64. Which one of the following statements is **ACCURATE** in regard to disclosure of exhibits in fraud criminal trials in common law jurisdictions?
- A. The defense discovery of exhibits to be used in court is limited
  - B. The defense discovery of exhibits is unlimited
  - C. The defense can discover some exhibits during trial
  - D. None of the above
- (1 mark)
65. In which one of the following jurisdictions can a white collar criminal defendant have access to all evidentiary record during pre-trial?
- A. Common law jurisdiction
  - B. Adversarial jurisdiction
  - C. Inquisitorial jurisdiction
  - D. None of the above
- (1 mark)

66. Which one of the following **BEST** describes the prosecution discretion to charge but not to prosecute?
- A. Deferred prosecution
  - B. Bargaining plea
  - C. Total discretion
  - D. Limited discretion
- (1 mark)
67. Which one of the following laws is both procedural and substantive law?
- A. Public Procurement and Assets Disposal Act
  - B. Criminal procedure Code
  - C. Computer Misuse and Cybercrime Act
  - D. Bribery Act
- (1 mark)
68. Which one of the following statements is **ACCURATE** in regard to criminal appellate court in adversarial jurisdictions?
- A. In most jurisdictions, an appellate court cannot reverse a conviction of the high court
  - B. In most jurisdictions, the court of appeal can reverse a conviction of the high court
  - C. In most jurisdictions, the court of appeal can reverse a conviction and make a fresh determination
  - D. None of the above
- (1 mark)
69. Which one of the following is not a written law?
- A. Substantive law
  - B. Statutory law
  - C. Common law
  - D. Case law
- (1 mark)
70. Which one of the following **BEST** describes bargaining agreements in civil law jurisdictions?
- A. Written admissions
  - B. Guilty plea
  - C. Oral direct confessions
  - D. None of the above
- (1 mark)
71. Which one of the following statements is **NOT** accurate in regard to the determination of evidence in adversarial law jurisdictions?
- A. Adversarial jurisdictions use juries to determine facts only in serious criminal prosecutions
  - B. Most of the civil and criminal trials are tried by juries in adversarial jurisdictions
  - C. Adversarial jurisdiction use judges as fact-finders in all serious civil trials
  - D. None of the above
- (1 mark)
72. Which one of the following **BEST** describes a situation when legal principles are applied?
- A. In civil cases
  - B. When there is more than one suitable legal statute
  - C. When there is no suitable legal statute
  - D. In all serious criminal cases
- (1 mark)

73. Which one of the following statements is **ACCURATE** in regard to criminal prosecution in civil law jurisdictions?
- A. The party that drives the discovery of evidence is a party to the court proceedings
  - B. The party that took the case to court has the burden of proof
  - C. The prosecution has the burden of proof
  - D. None of the above
- (1 mark)
74. Which one of the following is a party to a litigation appeal against damages liability?
- A. Plaintiff
  - B. Defendant
  - C. Criminal defendant
  - D. Prosecution
- (1 mark)
75. Which one of the following statements is **ACCURATE** in regard to fraud civil litigation in civil law jurisdictions?
- A. The presiding judge drives the fact finding in civil litigation
  - B. The presiding judge drives the discovery of evidence and is also a party to the civil litigation
  - C. The presiding judge is not a fact finder in a civil litigation
  - D. The jury acts as the fact finder in civil litigations
- (1 mark)
76. Which one of the following statements is **ACCURATE** in regard to civil fraud trials in Kenya jurisdiction?
- A. Kenya jurisdiction does not feature civil fraud trials
  - B. Kenya jurisdiction does not feature civil fraud appeals
  - C. The burden of proof for civil fraud trials in Kenya jurisdiction rests with the party that filled the pleadings
  - D. None of the above
- (1 mark)
77. Which one of the following statements is **ACCURATE** in regard to pararell civil and criminal proceedings in fraud or corruption case in Kenya?
- A. A criminal defendant is also a civil defendant on the same alleged offence
  - B. A criminal defendant is also a civil defendant in different facts in issue
  - C. A civil defendant is also a plaintiff on the same alleged facts in issue
  - D. A plaintiff is also a defendant on the same alleged facts in issue
- (1 mark)
78. Which one of the following statements is **ACCURATE** in regard to criminal prosecution in a fraud trial in Kenya jurisdiction?
- A. The standard of proof is lower than that of other criminal offences
  - B. The burden of proof rests with both the prosecution and the criminal defendant
  - C. Proving fraud cases is harder than that of other typical crimes
  - D. The standard of proof is the same as those in the inquisitorial jurisdictions
- (1 mark)
79. Which one of the following parties presents closing arguments during a fraud criminal court proceeding in common law jurisdictions?
- A. Judge
  - B. Prosecution
  - C. Criminal defendant
  - D. Both the prosecution and the defendant
- (1 mark)

80. Which one of the following justice processes helps in disposing of civil fraud and corruption cases?  
A. Bargaining agreements  
B. Prosecution discretion  
C. Appeals  
D. None of the above (1 mark)
81. Which one of the following laws is applied on corruption trials in adversarial jurisdiction where the judge does not find a legal statute?  
A. Case law  
B. Written law  
C. Substantive law  
D. None of the above (1 mark)
82. Which one of the following Kenya laws sets the rules and procedures to determine a civil corruption offence?  
A. Criminal Procedure Code  
B. Civil Procedure Act  
C. Anti-corruption and Economic Crimes Act  
D. Bribery Act (1 mark)
83. Which one of the following statements is **NOT** accurate in regard to fair hearing in adversarial jurisdiction?  
A. An accused person has right to be charged without undue delay  
B. An accused person has right against self- incriminating  
C. An accused person has right to be represented by legal counsel  
D. An accused person has right not to be cross examined (1 mark)
84. Which one of the following statements is **ACCURATE** in regard to witnesses in Kenya jurisdiction in a fraud civil trial?  
A. The witnesses are appointed by the judge  
B. The questioning is conducted by the trial judge  
C. The questioning is conducted by the presiding judge  
D. The witnesses are appointed by parties to the court proceedings (1 mark)
85. Which one of the following **BEST** describes the point at which an individual who is accused of a crime becomes a criminal defendant in Kenya jurisdiction?  
A. During the trial phase  
B. During pre-trial phase  
C. During the investigations of the alleged offence  
D. During the examination phase (1 mark)
86. Which one of the following statements is **ACCURATE** in regard to civil fraud trials in adversarial jurisdictions?  
A. Civil fraud trials are harder to prove as opposed to criminal trials  
B. Civil fraud trials are not effective in resolving fraud allegations  
C. Civil fraud trials cannot be tried concurrently with a criminal trial  
D. None of the above (1 mark)

87. Which one of the following **BEST** describes the party to a civil proceeding who appeals against liability?  
A. Plaintiff  
B. Defendant  
C. Criminal defendant  
D. Both the plaintiff and the defendant (1 mark)
88. Which one of the following statements is **ACCURATE** in regard to common law?  
A. Common law is a set of legal statutes  
B. Common law is not a set of legal statutes  
C. Common law is not a written law  
D. Common law is a statutory law (1 mark)
89. Which one of the following courts has jurisdiction to hear cases related to fraudulent claims from government revenue or property in criminal trials?  
A. Anti-Corruption Court  
B. The high court  
C. Commercial court  
D. None of the above (1 mark)
90. Which one of the following statements is **NOT** accurate in regard to court decision laws?  
A. The common law and case law are both made of court decisions  
B. Case laws previous decisions cannot be applied in current case  
C. Common law can also be referred to as legal principles  
D. Case law can also be referred to as legal principles (1 mark)
91. Which one of the following Kenya laws can be applied to determine misappropriation of funds in a government entity?  
A. Bribery Act,2016  
B. Anti-Corruption and Economics Act  
C. Criminal procedure Code  
D. None of the above (1 mark)
92. Which one of the following Kenya laws provide guidance on how an economic criminal trial would be determined?  
A. POCAMLA  
B. Bribery Act,2016  
C. Anti-Corruption and Economics Act  
D. Criminal procedure Code (1 mark)
93. Which one of the following Kenya laws could effectively combat bribery?  
A. Penal Code  
B. Bribery Act,2016  
C. Anti-Corruption and Economics Act  
D. Criminal procedure Code (1 mark)

94. Which one of the following statements is **ACCURATE** in regard to fraud criminal proceedings in civil law jurisdictions?
- A. The presiding judge drives the fact finding in serious fraud criminal proceedings
  - B. The presiding judge drives the discovery of evidence as a party to the litigation
  - C. The presiding judge is a party to the criminal proceedings
  - D. A jury panel is fact finder in serious fraud criminal proceedings
- (1 mark)
95. Which one of the following statements **BEST** describes the balance of probability standard of proof?
- A. Balance of probability standard of proof is higher than inner conviction of the judge
  - B. Balance of probability standard of proof is based on the weight of evidence
  - C. Balance of probability standard of proof is evidence that show that it is more likely than not the offence occurred
  - D. Balance of probability standard of proof is evidence that show that is less likely that the offence occurred
- (1 mark)
96. Which one of the following statements **BEST** describes bargaining agreement?
- A. The defendant plead guilty
  - B. The defendant submits a written confession
  - C. The defendant produce evidence beyond reasonable doubts
  - D. The defendant produces evidence of balance of probability
- (1 mark)
97. Which one of the following parties to a court proceeding could appeal against conviction?
- A. Plaintiff
  - B. Defendant
  - C. Criminal defendant
  - D. Suspect
- (1 mark)
98. Which one of the following parties to a court proceeding could appeal against sentencing?
- A. Suspect
  - B. Defendant
  - C. Criminal defendant
  - D. Prosecution
- (1 mark)
99. Which one of the following is a body of legal principles?
- A. Substantive law
  - B. Statutory law
  - C. Case law
  - D. None of the above
- (1 mark)
100. Which one of the following is a body of legal statutes?
- A. Substantive law
  - B. Statutory law
  - C. Common law
  - D. Case law
- (1 mark)
- .....



**CERTIFIED FORENSIC FRAUD EXAMINER (CFFE)**

**MODULE ONE**

**OVERVIEW OF THE LEGAL AND JUSTICE SYSTEM**

**TUESDAY: 20 August 2024. Morning Paper.**

**Time Allowed: 3 hours.**

**This paper consists of one hundred (100) Multiple Choice Questions. Answer ALL questions by indicating the letter (A, B, C or D) that represents the correct answer. Each question is allocated one (1) mark.**

1. A court order that restrains a defendant or a third party from disposing of, spending, transferring or concealing assets or property while litigation is ongoing is referred to as \_\_\_\_\_.  
A. injunction  
B. declaratory remedy  
C. pre-judgement  
D. summary judgement (1 mark)
2. Which one of the following phases describes where oral/written examination is conducted?  
A. Trial phase  
B. Pre-trial phase  
C. Investigation phase  
D. Examination phase (1 mark)
3. Which one of the following phases does the common law jurisdiction courts, discover evidence?  
A. Trial phase  
B. Pre- trial phase  
C. Direct examination phase  
D. Cross examination phase (1 mark)
4. Which one of the following statements is **ACCURATE** in regard to a party that has the burden of proof in criminal trials in inquisitorial jurisdictions?  
A. Only the defence has the burden of proof  
B. Only the prosecution has the burden of proof  
C. Only the investigative officer has the burden of proof  
D. Both the prosecution and defence have the burden of proof (1 mark)
5. Which one of the following jurisdictions only apply codified principles as their source of law in fraud and corruption cases?  
A. Adversarial jurisdictions  
B. Civil law jurisdictions  
C. Common law jurisdictions  
D. Civil justice system (1 mark)
6. Which one of the following statements is **NOT** accurate in regard to sources of law in adversarial jurisdictions in criminal trials?  
A. In adversarial jurisdictions, juries can apply court legal principle in criminal cases  
B. In adversarial jurisdictions, judges are bound by the court legal principles  
C. Judges in adversarial jurisdictions, can only apply substantive statutes  
D. Judges in civil law legal systems can use case law to interpret criminal statutes (1 mark)

7. Which one of the following **BEST** describes a fact finder party that can also be party to a litigation?  
A. A tribunal  
B. A mediator  
C. Judge  
D. An arbitrator (1 mark)
8. Which one of the following actions **BEST** describe suits with same parties to the litigation but based on different facts in issue?  
A. Parallel proceedings  
B. Countersuits  
C. Civil suits  
D. Criminal trials (1 mark)
9. In civil law jurisdiction, which one of the following statements is **ACCURATE** in regard to use of juries as fact finders?  
A. Inquisitorial jurisdictions use juries in serious criminal prosecutions  
B. Inquisitorial jurisdictions allow jury trial in serious civil suits  
C. Inquisitorial jurisdictions allow jury challenge  
D. Inquisitorial jurisdictions use juries in all criminal trials (1 mark)
10. Which one of the following describes the party/parties that discover evidence in adversarial jurisdictions civil fraud trials?  
A. The court  
B. The plaintiff's advocate  
C. The plaintiff and the defendant  
D. The prosecution and the criminal defendant (1 mark)
11. Which one of the following Kenyan law sets the rules and procedures to determine fraud civil suits?  
A. Procedural law  
B. Civil procedure Act  
C. Criminal procedure code  
D. Statutory law (1 mark)
12. Which one of the following Kenyan law sets the rules and procedures to determine bribery and corruption offences?  
A. Criminal Procedure Code  
B. Civil Procedure Act  
C. Anti-corruption and Economic Crimes Act  
D. Bribery Act, 2016 (1 mark)
13. Which one of the following Kenyan law defines economic crimes as an offence and provides for the penalties for violation of the law?  
A. Criminal Procedure Code  
B. Substantive law  
C. Anti-corruption and Economic Crimes Act  
D. Bribery Act, 2016 (1 mark)
14. Which one of the following is **NOT** a type of a procedural law?  
A. Case law  
B. Criminal Procedure Code  
C. Evidence Act  
D. Civil Procedure Act (1 mark)
15. Which one of the following statements **BEST** describes international laws?  
A. International law is a body of rules, convention and treaties  
B. International laws are substantive laws  
C. International laws are public laws  
D. International laws are statutes (1 mark)



16. Which one of the following statements is **ACCURATE** in regard to disclosure of evidence in criminal proceedings in adversarial jurisdictions?
- A. Disclosure of evidence occurs in the trial phase of the court proceeding
  - B. Disclosure of evidence in criminal prosecution is not restricted to exhibits
  - C. Disclosure of evidence in criminal prosecution in adversarial jurisdictions is restricted to physical evidence relevant to the facts in issue
  - D. Disclosure in criminal prosecution, includes all materials that will be used in court by parties legal representatives (1 mark)
17. Which one of the following statements is **ACCURATE** in regard to the difference between the standard of proof in civil fraud trials, in common and civil law jurisdictions?
- A. The standard of proof in fraud civil trials in adversarial jurisdictions is higher than civil trials in inquisitorial jurisdictions
  - B. The standard of proof in fraud civil trials in civil law jurisdictions is higher than the standard of proof in common law jurisdictions
  - C. The standard of proof in fraud civil trials in adversarial jurisdictions is the same with the standard of proof in inquisitorial jurisdictions
  - D. The standard of proof in fraud civil trials in adversarial jurisdictions is depends on the inner conviction of the judge, while in inquisitorial is based on balance of probability (1 mark)
18. Which one of the following appeals **BEST** describes an appeal application by a plaintiff in civil trial?
- A. An injunction to appeal
  - B. An appeal for damages
  - C. An appeal for equitable remedy
  - D. An appeal against liability (1 mark)
19. Which one of the following parties presents evidence first in civil litigation in the adversarial jurisdictions?
- A. The party that filed the pleadings application
  - B. The defendant
  - C. The criminal defendant
  - D. The prosecution (1 mark)
20. Which one of the following parties presents evidence in court in a criminal proceeding in the inquisitorial jurisdictions?
- A. The prosecution
  - B. The criminal defendant
  - C. The presiding judge
  - D. The parties to the litigation (1 mark)
21. Which of the following party is given the first chance to argue and support their case in adversarial jurisdictions in a criminal case?
- A. The criminal defendant
  - B. The prosecution
  - C. The presiding judge
  - D. The party that took the case to court (1 mark)
22. Which one of the following statements is **ACCURATE** in regard to the main sources of law in Kenya for fraud and corruption cases?
- A. The codified principles
  - B. The statutory substantive laws
  - C. The statutory procedural laws
  - D. The common law (1 mark)
23. Which one of the following statements is **NOT** accurate in regard to justice for fraud cases?
- A. Fraud is a criminal offence and therefore cannot be taken to court as a civil case
  - B. Fraud is a criminal offence but can be resolved through alternative dispute resolution
  - C. Fraud is a criminal offence but can be tried concurrently as a civil action and criminal prosecution based on the same facts in issue
  - D. Fraud is a criminal offence and can be tried as a civil action and criminal prosecution based on the same facts in issue (1 mark)

24. Which one of the following body of law is **NOT** a statutory substantive law related to fraud and corruption?  
A. Evidence Act  
B. Public Procurement and Assets Disposal Act  
C. Anti- Corruption and Economic Crimes Act  
D. Bribery Act, 2016 (1 mark)
25. Which one of the following is **NOT** a type of substantive law?  
A. Bribery act  
B. Penal code  
C. Civil Procedure Act  
D. Capital markets Act (1 mark)
26. Which one of the following **BEST** describes the law that provides remedies for fraud and corruption civil suits?  
A. Anti- Corruption and Economic Crimes Act  
B. Bribery Act  
C. Civil Procedure Act  
D. Codified principles (1 mark)
27. Which one of the following statements is **ACCURATE** in regard to criminal procedure code?  
A. The criminal procedure code is a substantive law because it is created by legislature  
B. The criminal procedure code is procedural law and a type of substantive law because it is created by legislature  
C. The criminal procedure code is a procedural law and also a type of statutory law  
D. The criminal procedure code is a substantive law that sets the rules and procedures for determining evidence (1 mark)
28. Which one of the following parties drive the discovery of evidence in civil litigation in inquisitorial jurisdictions?  
A. The parties to the litigation  
B. The court  
C. The plaintiff  
D. The defendant (1 mark)
29. Which one of the following parties are involved in the collection and documentation of evidence in civil trials in inquisitorial jurisdictions?  
A. The parties to the litigation  
B. The plaintiff  
C. The court and parties to the litigation  
D. The defendant (1 mark)
30. Which one of the following legal defenses is the **BEST** legal defence when a law enforcement officer induces an individual to commit an offence?  
A. Public interest  
B. Mistake  
C. Coercion  
D. Entrapment (1 mark)
31. Which one of the following statements is **ACCURATE** in regard to discovery of evidence by parties to a litigation, in civil trial in Kenyan courts proceedings?  
A. The discovery occurs during pre-trial phase before the court proceedings  
B. The discovery occurs during cross examination in the trial process  
C. The discovery occurs during pre-trial phase of the court proceedings  
D. The discovery occurs during the trial phase of the court proceedings (1 mark)
32. The discovery of evidence in criminal prosecutions in civil jurisdictions occurs in \_\_\_\_\_.  
A. investigation and examination phases  
B. investigation and trial phases  
C. examination and trial phases  
D. pre-trial and trial phases (1 mark)

33. Which one of the following statements is **ACCURATE** in regard to the duty to preserve documents relevant to a civil case in the common law jurisdictions?
- A. The duty to preserve documents commence during trial proceedings
  - B. The duty to preserve documents commence during pre-trial proceedings
  - C. The duty to preserve documents commence before litigation proceedings
  - D. The duty to preserve the documents commence during the investigations phase (1 mark)
34. In civil legal jurisdictions, which one of the following parties has the duty for preserving evidence?
- A. Presiding judge
  - B. The trial judge
  - C. The defendant
  - D. The plaintiff (1 mark)
35. Which one of the following is **NOT** accurate in regard to appellate court in the adversarial law jurisdictions?
- A. The appellate court cannot overturn a lower court decision and refer the case to the bench
  - B. The appellate court can overturn a lower factual determination and refer the case to the high court
  - C. The appellate court can overturn a lower court's decision, but cannot make determination and review the law
  - D. The appellate court can remand for a fresh factual determination (1 mark)
36. In a civil suit in the adversarial law jurisdictions which one of the following **BEST** describes a court order to restrain the defendant from selling or transferring assets during court proceedings?
- A. Injunction
  - B. Pre-judgement
  - C. Equitable remedy
  - D. Declaratory remedy (1 mark)
37. The presiding judge, the plaintiff and defendant advocates are litigation parties in which phase of the trial process?
- A. Investigation and examination Phase
  - B. Examination and trial phase
  - C. Investigation and trial phase
  - D. Trial phase only (1 mark)
38. Which one of the following parties are the parties to a civil litigation in the civil law jurisdiction?
- A. The presiding judge, plaintiff and defendant
  - B. The Plaintiff and defendant
  - C. The court, plaintiff and defendant
  - D. Plaintiff and the presiding judge (1 mark)
39. Which one of the following parties are involved in criminal proceedings in inquisitorial jurisdiction?
- A. The prosecution and the criminal defendant
  - B. The presiding judge, prosecution and the criminal defendant
  - C. The prosecution and the defendant
  - D. The prosecution and the plaintiff (1 mark)
40. Which one of the following courts can a dissatisfied party to a tribunal hearing, file a case?
- A. The supreme court
  - B. The bench
  - C. The magistrate's court
  - D. High court (1 mark)
41. Strict burden of proof is featured in \_\_\_\_\_.
- A. civil law jurisdiction
  - B. adversarial jurisdiction
  - C. common law jurisdiction
  - D. civil justice system (1 mark)

42. In which one of the following jurisdictions is the burden of proof with the parties to civil litigation and criminal prosecution?
- Common law jurisdiction
  - Adversarial jurisdiction
  - Inquisitorial jurisdiction
  - Both adversarial and inquisitorial jurisdictions (1 mark)
43. Which one of the following statements is **NOT** accurate in regard to the legal representative role in fraud criminal trials in Kenya courts?
- The parties to the litigation advocates are also parties to the litigation
  - The defence counsel cross examine the prosecution witnesses during trial
  - The prosecution counsel conduct examination in-chief
  - The prosecution counsel conduct re-examination of the prosecution witness (1 mark)
44. Which one of the following statements is **NOT** accurate in regard to the prosecution's obligation in regard to exculpatory evidence?
- Prosecution in common law jurisdiction is obliged to disclose exculpatory evidence to the defence
  - Prosecution in civil law jurisdiction is obliged to disclose exculpatory evidence to the defence
  - Prosecution has legal and ethical obligation to disclose exculpatory evidence to the defence
  - Unlike in the common law jurisdictions prosecution in civil law jurisdictions are not obliged to disclose exculpatory evidence (1 mark)
45. Which one of the following is a type of civil remedy for a plaintiff in fraud civil case granted by a higher court?
- Penalties
  - Equitable remedy
  - Damages remedy
  - Declaratory remedy (1 mark)
46. Which one of the following courts has the authority to grant equitable remedy?
- The high court
  - The magistrate's court
  - The court of appeal
  - The corruption court (1 mark)
47. Which one of the following statements is **ACCURATE** in regard to appeals in civil fraud cases in adversarial jurisdiction?
- The civil appellate court cannot review legal and equitable issues
  - The civil appellate court can review equitable remedy issues
  - The civil appellate court can review legal and factual issues
  - The civil appellate court cannot remand for a new determination (1 mark)
48. Which one of the following statements is **ACCURATE** in regard to questioning of witnesses in court in adversarial jurisdictions?
- The questioning is conducted by the parties to the litigation
  - The questioning is conducted by the trial judge
  - The questioning is conducted by the presiding judge
  - The questioning is conducted by the prosecution (1 mark)
49. Which one of the following statements is **ACCURATE** in regard to juries in inquisitorial jurisdictions, in criminal trials?
- The juries' panel is composed of professional judges only
  - The parties to the litigation are allowed jury challenge for a just reason
  - Inquisitorial jurisdiction does not feature jury trial
  - Inquisitorial jurisdiction feature jury trial (1 mark)
50. In criminal trials in common law jurisdictions, which one of the following statements is **NOT** accurate in regard to disclosure of evidence?
- The prosecution does not have more rights than the opposing side
  - Both the prosecution and the criminal defendant have equal rights of discovery of evidence
  - Both the prosecution and the defendant, have right to discover all materials prepared by each of the parties for court proceedings
  - Both the prosecution and the defendant have right to discover, all physical items that, would be presented in court (1 mark)

51. Which one of the following is a proper defense against the criminal intent?  
A. Lack of jurisdiction  
B. Mistake  
C. Legal impossibility  
D. Alibi (1 mark)
52. Which one of the following statements is **ACCURATE** in regard to the organisation's vicarious liability?  
A. An organisation cannot be vicariously liable for offences committed by junior employees  
B. An organisation cannot be vicariously liable for offences, not directed by management of the board  
C. If an organisation was not aware of the employee's fraudulent activities, the organisation will still be vicariously liable  
D. An organisation cannot be vicariously liable for offences committed by individuals who are not their employees (1 mark)
53. Which one of the following actions is a charging document in civil law jurisdiction for serious criminal trials?  
A. A petition  
B. An application  
C. Search warrant  
D. Writ of summon (1 mark)
54. Which one of the following jury verdicts must be unanimous?  
A. Only serious criminal cases  
B. All criminal cases  
C. All serious civil case  
D. All civil cases (1 mark)
55. Which one of the following **BEST** describes motion of inadmissibility in adversarial jurisdictions?  
A. Pre-trial motion  
B. Trial motion  
C. Cross examination motion  
D. Summary judgement motion (1 mark)
56. Which one of the following **BEST** describes investigation and examination process in civil litigation in inquisitorial jurisdictions?  
A. Pre- trial examination  
B. Continuous series of meetings  
C. Oral/Written examination  
D. Direct examination (1 mark)
57. Forensic Fraud Examiners should have the following basic knowledge of law, **EXCEPT** \_\_\_\_\_.  
A. procedural laws related to civil and criminal trials  
B. the substantive laws related to fraud and corruption  
C. case law  
D. the basic principles of evidence (1 mark)
58. Which one of the following jurisdictions courts are in possession of evidence before court trial proceedings?  
A. Adversarial jurisdictions  
B. Civil law jurisdictions  
C. Common law jurisdiction  
D. Unitary jurisdictions (1 mark)
59. In civil suits in adversarial jurisdiction, which one of the following is **ACCURATE** in regard to litigation privileges?  
A. Litigation privileges protects, attorney and client communication for legal advice and other purposes  
B. Litigation privileges can be extended to a third party, for purposes of legal support  
C. Litigation privileges protects all documents relevant to the facts in issue  
D. Litigation privileges protects all documents prepared in anticipation for litigation (1 mark)

60. Which of the following statement is **NOT** accurate in regard to appointment of witnesses in Kenya jurisdiction?
- In Kenya jurisdiction the court can appoint an expert witness
  - In Kenya jurisdiction the court appointed expert witness cannot provide evidence in court
  - In Kenya jurisdictions the witnesses are appointed by the parties to the litigation
  - In Kenya jurisdiction a witness appointed by the court can provide evidence in court (1 mark)
61. Which one of the following statements is **MOST ACCURATE** in regard to questioning of experts in inquisitorial jurisdictions in fraud civil litigation?
- In most inquisitorial jurisdictions the defendant's counsel cannot cross examine the court's primary expert witness
  - In most inquisitorial jurisdictions the defendant's counsel can cross examine the court's primary expert witness
  - In most inquisitorial jurisdictions the defendant's counsel cannot question the court's primary expert witness
  - In most inquisitorial jurisdictions the trial judge cannot question the court's primary expert (1 mark)
62. Which one of the following statements is **ACCURATE** in regard to charging a corporate for a criminal offence?
- Charging a corporate for a criminal offence involve entering into a bargaining plea with the prosecution
  - Charging a corporate for a criminal offence involve entering into a confession prosecution agreement
  - The prosecution charges the corporate but does not prosecute if certain conditions are met
  - The prosecution charges the corporate if there is sufficient evidence of criminal offence (1 mark)
63. Which one of the following statements is **MOST ACCURATE** in regard to the rules of evidence in administrative proceedings?
- Administrative proceedings are governed by administrative law and rules of evidence
  - Administrative Proceedings are strictly governed by the rules of evidence
  - Administrative Proceedings are governed by relevance and reliability of evidence
  - Administrative proceedings does not need to consider any rule of evidence (1 mark)
64. Which one of the following statements is **NOT** accurate in regard to the application of law in corruption offences?
- The main source of law in Kenya jurisdiction, in corruption offences is both the Bribery Act, 2016 and the Anti - Corruption and Economic Crimes Act
  - Kenya jurisdiction apply only the written law in corruption offences
  - Kenya jurisdiction heavily rely on statutes in corruption offences
  - Kenya jurisdiction must follow procedural law in determination of corruption offences (1 mark)
65. Which one of the following statements **BEST** describes the standard of proof in civil suits in Kenyan jurisdictions?
- Balance of probability
  - Preponderance of evidence
  - More probable than not
  - Beyond reasonable doubt (1 mark)
66. Which one of the following **BEST** describes the offence associated with failure to preserve evidence?
- Misrepresentation of evidence
  - Concealment of evidence
  - Obstruction of evidence
  - Perjury (1 mark)
67. If an agent engages in bribery, which type of the law will the agent violate?
- Bribery Act, 2016
  - Substantive law
  - Anti-corruption and Economic Crimes Act
  - Constitution law (1 mark)

68. Which one of the following statements is **ACCURATE** in regard to preservation of evidence in inquisitorial jurisdictions?
- A. A suspect can be charged for obstruction of justice if he destroyed evidence when litigation was reasonably anticipated
  - B. A suspect cannot be charged for obstruction of justice if he destroyed evidence when litigation was reasonably anticipated
  - C. A suspect cannot be charged for obstruction of justice if he destroyed evidence when the court has requested for preservation of evidence
  - D. A suspect cannot be charged for obstruction of justice if he destroyed evidence, under any circumstances (1 mark)
69. Which one of the following phases is a trial phase before a court for a civil litigation in Kenyan jurisdictions?
- A. Examination phase
  - B. Investigation phase
  - C. Pre-trial phase
  - D. Trial phase (1 mark)
70. Which one of the following statements is **ACCURATE** in regard to disclosure of evidence in criminal trials in adversarial jurisdictions?
- A. The parties to the trial, have right to discover all the evidence to be used in court
  - B. The defence does not have right to discover all exhibits to be used in court
  - C. The defence has no right to discover the expert witness's report, before court trial
  - D. The defence has right to discover the expert witness's report, before court trial (1 mark)
71. In which one of the following jurisdiction can a criminal defendant in criminal proceeding have access to all evidentiary record before court trial?
- A. Common law jurisdiction
  - B. Adversarial jurisdiction
  - C. Inquisitorial jurisdiction
  - D. Criminal justice system (1 mark)
72. Which one of the following is the highest available prosecution discretion?
- A. Absolute discretion
  - B. Limited discretion
  - C. None discretions
  - D. Total discretion (1 mark)
73. Which one of the following laws is both administrative and substantive law?
- A. Public Procurement and Assets Disposal Act
  - B. Anti-Corruption and Economic Crimes Act
  - C. Computer Misuse and Cybercrime Act
  - D. Bribery Act (1 mark)
74. Which one of the following statements is **ACCURATE** in regard to determination of evidence in adversarial jurisdictions?
- A. In most jurisdictions an appellate court cannot reverse a conviction of the high court
  - B. In most jurisdictions conviction and judgement are done during separate trial phases
  - C. In most jurisdictions the conviction is passed by the court of appeal
  - D. In most jurisdictions the conviction and judgement are done simultaneously (1 mark)
75. Which one of the following types of laws **BEST** describes private and public law?
- A. Substantive law
  - B. Statutory law
  - C. Common law
  - D. Case law (1 mark)
76. Which one of the following documents **BEST** describes prosecution bargaining agreements in inquisitorial jurisdictions?
- A. Written confessions
  - B. Guilty plea
  - C. Admissions
  - D. Oral direct confessions (1 mark)

77. Which one of the following statements is **MOST ACCURATE** in regard to factual determination in the common law jurisdictions?
- A. Adversarial judicial process uses juries, only to determine facts in serious criminal trials
  - B. Adversarial judicial process uses judges as fact-finders in all serious criminal and civil cases
  - C. Adversarial judicial process uses judges as fact-finders in all serious criminal cases
  - D. Adversarial judicial process uses juries as fact-finders in both civil and criminal trials (1 mark)
78. Which one of the following **BEST** describes situations where common law is applied?
- A. In civil cases that are not serious
  - B. When there is more than one suitable statute
  - C. When there is no available, substantive law
  - D. In very serious criminal cases (1 mark)
79. Which one of the following statements is **ACCURATE** in regard to criminal trials in court in civil law jurisdictions?
- A. The party that drives the discovery of evidence, has the burden of proof
  - B. The party that took the case to court has the burden of proof
  - C. The defence does not have a burden of proof
  - D. The defence also has a burden of proof (1 mark)
80. Which one of the following persons **BEST** describes the party to a litigation, who files an application against liability?
- A. Plaintiff
  - B. Defendant
  - C. Criminal defendant
  - D. Both the plaintiff and the defendant (1 mark)
81. Which one of the following statements is **ACCURATE** in regard to civil proceedings in civil law jurisdictions?
- A. The presiding judge is the fact finder in the court proceedings
  - B. The presiding judge is a party to the civil proceedings
  - C. The standard of proof is lower than that in the adversarial jurisdictions
  - D. The standard of proof is higher than that in the adversarial jurisdictions (1 mark)
82. Which one of the following statements is **ACCURATE** in regard to civil litigation Kenya jurisdiction?
- A. In a civil trial both the parties to the litigation has burden of proof
  - B. In a civil trial the defendant has the burden of proof
  - C. In a civil trial the burden of proof rests with plaintiff
  - D. In a civil trial the standard of proof is, higher than that, in civil jurisdictions (1 mark)
83. Which one of the following statements is **ACCURATE** in regard to proceedings based on the same offence?
- A. A criminal defendant who is also a defendant in a civil suit for the same offence
  - B. A civil defendant who is found innocent at trial but is sued again for the same offence
  - C. A civil defendant who is being sued by two or more plaintiffs for the same offence
  - D. A criminal defendant who is found innocent at trial but is sued for a civil wrong (1 mark)
84. Which one of the following statements is **ACCURATE** in regard to the advantage of taking civil action as opposed to criminal prosecution in a fraud case in the common law jurisdictions?
- A. The standard of proof is lower
  - B. The burden of proof is with the prosecution
  - C. The defendant has the burden of proof
  - D. The parties to the litigation has a burden of proof (1 mark)
85. Which one of the following evidence is **NOT** an additional evidence presented in court during trial?
- A. Closing arguments
  - B. Testimonial evidence
  - C. Exhibits
  - D. Circumstantial evidence (1 mark)



86. Which one of the following judicial practice is used to enhance efficiency in the criminal justice?  
A. Bargaining agreements  
B. Prosecution discretion  
C. Appeals  
D. Written confessions (1 mark)
87. Which one of the following type of law would a judge usually apply on fraud or corruption trials in adversarial jurisdiction, where he/she does not find a suitable statute?  
A. Case law  
B. Substantive law  
C. Common law  
D. Statutory law (1 mark)
88. Which one of the following Kenyan law sets the rules and procedures to be followed to determine a corruption offence?  
A. Criminal Procedure Code  
B. Civil Procedure Act  
C. Anti-corruption and Economic Crimes Act  
D. None of the above (1 mark)
89. Under the United Nations, International Covenant on Civil and Political Rights (ICCPR) for persons accused of a crime, which one of the following statements **BEST** describes presumption of innocence?  
A. Presumption of innocence means that the accused person, has not committed the offence  
B. Presumption of innocence means that, the accused person is innocent until admissible evidence has been collected and, presented in court.  
C. Presumption of innocence means that, the accused person, is innocent until sufficient evidence has been collected and presented in court  
D. Presumption of innocence means that, the accused person is innocent until the court determine the evidence and find the accused person liable (1 mark)
90. Which one of the following statements is **ACCURATE** with regard to questioning of witnesses in court in adversarial jurisdictions?  
A. The questioning is conducted by the parties to the litigation  
B. The questioning is conducted by the trial judge  
C. The questioning is conducted by the presiding judge  
D. The questioning is conducted by the prosecution (1 mark)
91. In corporate criminal offence the prosecution can enter into an agreement with the corporate charge but not to prosecute immediately. Which one of the following **BEST** describe the liability the corporate is charged with?  
A. Criminal intent liability  
B. Vicarious liability  
C. Criminal liability  
D. Deferred liability (1 mark)
92. Which one of the following is **NOT** an item of the plaintiff's application in both common law and civil law jurisdictions?  
A. A summary of the evidence  
B. All information relevant to the facts in issue  
C. Specific facts, being claimed  
D. Grounds for legal relief (1 mark)
93. Which one of the following statements **BEST** describes the right to challenge trial by jury in adversarial jurisdictions in a criminal trial?  
A. In adversarial jurisdictions, the parties to a criminal trial proceeding can challenge trial by jury  
B. In adversarial jurisdictions, the parties to a criminal court proceeding cannot challenge trial by a jury  
C. In adversarial jurisdictions, only the criminal defendant can challenge trial by jury  
D. In adversarial jurisdictions, only the prosecution, can challenge trial by jury (1 mark)

94. Which one of the following statements **BEST** describe arrest by a police officer without a search warrant?  
A. Violation of an individual's rights  
B. Violation of the rights of a person accused of a crime  
C. Violation of police officer's ethics  
D. Exemption of a search warrant (1 mark)
95. Which one of the following statements is the **MAIN** objective of filing fraud case as a civil trial?  
A. To avoid the heavy burden of proof and the high standard of proof  
B. To seek damages remedy, for losses caused by the fraudulent activity  
C. To seek equitable damages remedy, for losses caused by the fraudulent activity  
D. To seek declaratory remedy, for losses caused by the fraudulent activity (1 mark)
96. Which one of the following parties **BEST** describe the party to a civil litigation who files an application against awarded remedy?  
A. Plaintiff  
B. Defendant  
C. Criminal defendant  
D. Both the plaintiff and the defendant (1 mark)
97. Which one of the following law is **NOT** a legal statute?  
A. Common law  
B. Criminal Procedure Code  
C. Evidence Act  
D. Civil Procedure Act (1 mark)
98. Which one of the following laws cannot be applied in a fraud offence?  
A. Common law  
B. Case law  
C. Bribery Act  
D. Public finance management Act (1 mark)
99. Which one of the following laws can be used to interpret a substantive law related to fraud and corruption?  
A. Common law  
B. Legal regulations  
C. Case law  
D. Procedural law (1 mark)
100. Which one of the following justice systems would effectively combat bribery and fraudulent activities?  
A. Criminal justice system  
B. Civil justice system  
C. Unitary government systems  
D. Criminal procedure Code (1 mark)
- .....



**CERTIFIED FORENSIC FRAUD EXAMINER (CFFE)**

**MODULE ONE**

**OVERVIEW OF THE LEGAL AND JUSTICE SYSTEM**

**TUESDAY: 23 April 2024. Morning Paper.**

**Time Allowed: 3 hours.**

**Answer ALL questions by indicating the letter (A, B, C or D) that represents the correct answer. This paper is made up of one hundred (100) Multiple Choice Questions. Each question is allocated one (1) mark.**

1. Which one of the following statements is **MOST** accurate, under the United Nations' International Covenant on Civil and Political Rights (ICCPR) for those accused of crimes?
  - A. An accused person is presumed liable when there is sufficient evidence to prove the accused individual committed the alleged crime
  - B. A person accused of a crime is a defendant and not a suspect
  - C. A person accused of a crime is a suspect
  - D. An accused person is presumed innocent until proven guilty by a court of law. However, the accused person is held responsible for the alleged offence (1 mark)
2. Which one of the following **BEST** describes the trial phase when the sworn testimony is conducted in adversarial jurisdiction?
  - A. Trail phase
  - B. Oral/written examination
  - C. The Pre-trial
  - D. Cross examination (1 mark)
3. In adversarial jurisdictions like Kenya, courts discover evidence during trial. Which one of the following statements is **MOST** accurate in regard to the discovery of evidence?
  - A. In adversarial jurisdictions, the court discover evidence during trial as the parties to the litigation present evidence
  - B. In adversarial jurisdictions, the judges discover evidence by questioning the parties to the litigation
  - C. In adversarial jurisdictions, the court discover evidence through questioning conducted by the prosecution
  - D. In adversarial jurisdictions, the court discover evidence through questioning conducted by the defense (1 mark)
4. Which one of the following statements is **ACCURATE** in regard to burden of proof in a criminal case in civil law jurisdictions?
  - A. In civil law jurisdictions, the presiding judge has the burden to proof because he drives the discovery of evidence
  - B. In civil law jurisdiction, the prosecution has the burden of proof
  - C. In civil law jurisdictions, the parties to the litigation have the burden of proof
  - D. In civil law jurisdiction, the defense has the burden of proof (1 mark)
5. Which one of the following statements is **MOST** accurate in regard to jurisdiction in adversarial jurisdictions?
  - A. Jurisdiction to hear a case is determined by where the claim arose and the defendant resides
  - B. Jurisdiction to hear a case is determined by where the defendant resides
  - C. Jurisdiction is determined by where the prosecution and defendant reside
  - D. Jurisdiction is determined by where the prosecution resides (1 mark)

6. Which one of the following statements is **MOST** accurate in regard to the main sources of law in fraud and corruption cases in adversarial jurisdictions?
- A. The main source of law in adversarial jurisdictions is the statutory substantive law
  - B. The main sources of law in adversarial jurisdictions are the procedural and substantive laws
  - C. The main source of law in adversarial jurisdictions is the common law
  - D. The main source of law in adversarial jurisdictions is the statutory codes (1 mark)
7. Which one of the following statements is **ACCURATE** in regard to sources of law in inquisitorial jurisdictions in criminal prosecution?
- A. In inquisitorial jurisdictions, judges can apply court legal principle in criminal cases
  - B. In inquisitorial jurisdictions, judges are bound by the court legal principles
  - C. Judges in inquisitorial jurisdictions cannot use court legal principles to interpret codified statutes
  - D. Judges in civil law legal systems can use court precedent to interpret codified statutes (1 mark)
8. Which one of the following statements is **ACCURATE** in regard to alternative dispute resolution in relation to fraud and corruption cases?
- A. An arbitrator can act as a judge in a fraud case
  - B. Mediation cannot be used as an alternative dispute resolution in a fraud case because fraud cases can only be resolved either as civil action or criminal prosecution
  - C. An arbitrators' decision cannot be binding in a fraud case
  - D. Arbitration and mediation are not effective methods of resolving fraud disputes (1 mark)
9. Which one of the following statements is **NOT** accurate in regard to civil countersuits?
- A. Civil countersuits are based on the same facts in issue
  - B. Civil countersuits are based on separate facts in issue
  - C. A plaintiff in another civil trial can be a defendant in another civil trial
  - D. None of the statements is not accurate (1 mark)
10. In inquisitorial jurisdiction, which one of the following statements is **NOT** accurate in regard to the use of juries as fact finders?
- A. Inquisitorial jurisdictions use juries in serious criminal prosecutions
  - B. Inquisitorial jurisdictions allow jury trial in serious civil litigations
  - C. Inquisitorial jurisdictions do not allow jury challenge
  - D. Inquisitorial jurisdictions do not use juries in all criminal cases (1 mark)
11. Which one of the following describes the approach that adversarial jurisdictions use to discover evidence during pre-trial?
- A. Fact finding investigations
  - B. Fraud examination
  - C. Oral/written examination
  - D. Direct examination (1 mark)
12. Which one of the following Kenyan laws sets the rules and procedures for fraud criminal prosecution?
- A. Substantive law
  - B. Civil procedure Act
  - C. Criminal procedure code
  - D. Penal Code (1 mark)
13. Which one of the following Kenyan laws sets the rules and procedures to be followed when determining an economic crime?
- A. Substantive law
  - B. Criminal Procedure Code
  - C. Civil Procedure Act
  - D. Anti-corruption and Economic crimes Act (1 mark)
14. Which one of the following laws is **NOT** a substantive law?
- A. Common law
  - B. Evidence Act
  - C. Anti-Corruption and Economics Crimes Act
  - D. Bribery Act (1 mark)

15. Which one of the following is **NOT** a type of a procedural law?  
A. Common law  
B. Criminal Procedure Code  
C. Evidence Act  
D. Civil Procedure Act (1 mark)
16. Which one of the following is a type of substantive rules?  
A. POCAMLA Act  
B. Penal Code  
C. Bribery Act, 2016  
D. Bribery Act regulations (1 mark)
17. Which one of the following statements is **ACCURATE** in regard to international laws?  
A. International law is a body of rules, convention and treaties observed by nations  
B. International laws are substantive laws  
C. International laws are public laws  
D. All the statements are accurate (1 mark)
18. Which one of the following statements is **NOT** accurate about the discovery of evidence process in criminal proceedings in common law jurisdiction?  
A. The discovery of evidence occurs in the pre-trial phase of the court proceeding  
B. Discovery in criminal prosecution is restricted to exhibits, that will be presented in court  
C. Discovery in criminal prosecution is more restricted than in civil litigation  
D. Discovery in criminal prosecution and civil litigation is equally restricted (1 mark)
19. In common law jurisdictions, which one of the following statements is **ACCURATE** in regard to standard of proof in civil fraud trials?  
A. The standard of proof in fraud civil trials in adversarial jurisdictions is higher than civil trials in inquisitorial jurisdictions  
B. The standard of proof in fraud civil trials in adversarial jurisdictions depends on the weight of evidence  
C. The standard of proof in fraud civil trials in adversarial jurisdictions is lower than the standard of proof in inquisitorial jurisdictions  
D. The standard of proof in fraud civil trials in adversarial jurisdictions is depends on the inner conviction of the judge (1 mark)
20. Which one of the following **BEST** describes an appeal application by a defendant in civil litigation?  
A. An Injunction  
B. An appeal for damages remedy  
C. An appeal for equitable remedy  
D. An appeal against liability (1 mark)
21. Which one of the following statements **BEST** describes the process of presenting evidence in a civil proceedings in the common law legal system?  
A. The sued party presents the evidence first  
B. The party that files a pleading application present their evidence first  
C. The prosecution presents the evidence first  
D. The criminal defendant presents the evidence first (1 mark)
22. Which one of the following statements **BEST** describes the civil trial process in inquisitorial jurisdictions?  
A. The court presents the evidence first  
B. The plaintiff presents the evidence first  
C. The defendant presents the evidence first  
D. The prosecution presents the evidence first (1 mark)
23. Which one of the following statements is **ACCURATE** in regard to presentation of evidence in criminal prosecution, in common law legal system?  
A. The criminal defendant presents their evidence before the prosecution  
B. The defendant presents their evidence before the prosecution  
C. The prosecution presents their evidence after the defense  
D. The party that took the case to court present their evidence first (1 mark)

24. Which one of the following statements is **ACCURATE** in regard to sources of law in the common law jurisdictions for fraud and corruption cases?
- A. The primary source of law in the common law jurisdictions in fraud and corruption is the common law
  - B. The primary source of law in the common law jurisdictions in fraud and corruption is the procedural law
  - C. The primary source of law in the common law jurisdictions in fraud and corruption is the statutes
  - D. The primary source of law in the common law jurisdictions in fraud and corruption is the evidence Act (1 mark)
25. Which one of the following statements is **ACCURATE** in regard to action for fraud cases?
- A. Fraud is a criminal offence but can be tried concurrently through mediation and arbitration
  - B. Fraud is a criminal offence but can be tried concurrently through a binding arbitration and civil litigation
  - C. Fraud is a criminal offence but can be tried concurrently as a civil action and criminal prosecution based on the same facts in issue
  - D. Fraud is a criminal offence and therefore cannot be tried as a civil action and criminal prosecution based on the same facts in issue (1 mark)
26. Which one of the following bodies of law is **NOT** related to fraud and corruption?
- A. Statutory law
  - B. Substantive law
  - C. Common law
  - D. Administrative law (1 mark)
27. Which one of the following is a type of procedural law?
- A. Bribery act
  - B. Penal code
  - C. Capital markets Act
  - D. Evidence Act (1 mark)
28. Which one of the following statements is **ACCURATE** in regard to the choice of law in international fraud cases?
- A. The courts will not consider the nationality of the parties to the litigation
  - B. The courts will consider a mixture of the substantive laws
  - C. The courts will not consider the current physical address of the parties in litigation
  - D. None of the above (1 mark)
29. Which one of the following statements is **ACCURATE** in regard to discovery of evidence in adversarial jurisdictions in a criminal prosecution?
- A. Only the defense is entitled to discover evidence from the prosecution
  - B. Only the prosecution is entitled to discover evidence from the defense
  - C. The parties to the litigation are entitled to discover all exhibits from each other
  - D. The parties to the litigation are entitled to discover all information from each other (1 mark)
30. Which one of the following **BEST** describes the substantive law that provides remedies for civil action?
- A. Substantive law
  - B. Constitutional law
  - C. Civil Procedure Act
  - D. Codified principles (1 mark)
31. Which one of the following statements is **ACCURATE** in regard to the evidence Act?
- A. The evidence act is substantive law because it is created by legislature
  - B. The evidence act is procedural law and a type of substantive law, because it is created by legislature
  - C. The evidence act is procedural law and also a type of statutory law
  - D. The evidence act is substantive law that sets the rules and procedures for determining evidence (1 mark)
32. In inquisitorial jurisdictions, who drives the discovery of evidence in civil litigation?
- A. The trial judge
  - B. The presiding judge
  - C. The plaintiff
  - D. The defendant (1 mark)

33. Which one of the following is the **BEST** legal defense, when a law enforcement officer charges a suspect for the wrong offence?  
 A. Mistake  
 B. Entrapment  
 C. Lack of jurisdiction  
 D. Legal impossibility (1 mark)
34. Under the United Nations International Covenant on Civil and Political Rights for persons accused of a crime (ICCPR), which one of the following is **NOT** one of the rights?  
 A. Assumption of innocence  
 B. Right to appeal  
 C. Right to be informed of the charges without undue delay  
 D. Right examine but not to be examined (1 mark)
35. Which one of the following statements is **ACCURATE** in regard to discovery of evidence in civil litigation in Kenya jurisdictions?  
 A. The discovery occurs during pre-trial phase of the court proceedings  
 B. The discovery occurs in during cross examination phase of the court proceedings  
 C. The discovery occurs during direct examination phase of the court proceedings  
 D. The discovery occurs during pre-trial phase, before the court proceedings commence (1 mark)
36. Which one of the following is **ACCURATE** in regard to the discovery of evidence in criminal prosecutions in civil legal jurisdictions?  
 A. The discovery of evidence is conducted during the investigations phase before the court proceedings commences  
 B. The discovery of evidence is conducted during the examination phase before the court proceedings commences  
 C. The discovery of evidence is conducted during the investigation and examination phases of the court proceedings  
 D. The discovery of evidence is conducted by the presiding judge before the court proceedings commences (1 mark)
37. In adversarial jurisdictions, which one of the following statements is **ACCURATE** in regard to when the duty to preserve documents that are relevant to the facts in issue begins?  
 A. The duty to preserve documents start during trial  
 B. The duty to preserve documents start during pre-trial proceedings  
 C. The duty to preserve documents start during the investigation phase  
 D. The duty to preserve the documents start when the complainant threatens to take legal action (1 mark)
38. In the inquisitorial jurisdiction, which one of the following parties has the responsibility of preserving evidence?  
 A. The trial judge has the responsibility to advise when and which documents should be preserved  
 B. The parties to the litigation have the responsibility to preserve evidence  
 C. The presiding judge has the responsibility for deciding when to preserve documents relevant to the facts in issue  
 D. The trial judge has the responsibility for deciding when to preserve documents relevant to the facts in issue (1 mark)
39. Which one of the following statements is **ACCURATE** in regard to arbitration and fraud cases?  
 A. Fraud cases can also be resolved through arbitration but the arbitrator's decision is not binding  
 B. Fraud cases cannot be resolved through arbitration because fraud is a criminal offence  
 C. Fraud cases can also be resolved through arbitration and the arbitrator's decision can be binding  
 D. Fraud cases cannot be resolved as a dispute through arbitration, because fraud is a criminal offence (1 mark)
40. Which one of the following is **ACCURATE** in regard to Court of Appeal in the common law jurisdictions?  
 A. The appellate court can overturn a lower court decision and refer the case to the bench  
 B. The appellate court can overturn a lower factual determination and start another trial  
 C. The appellate court can overturn a lower court decision, make new determination and review the law  
 D. The appellate court cannot remand for a fresh factual determination (1 mark)

41. In a civil litigation in the common law jurisdictions, which one of the following **BEST** describes a court order to restrain the defendant from selling or transferring assets during court proceedings?
- Injunction
  - Pre-judgement
  - Equitable remedy
  - Retrain court order
- (1 mark)
42. Which one of the following **BEST** describes the parties involved in the first and second phase of a civil litigation process in inquisitorial jurisdictions?
- Presiding judge, plaintiff and defendant
  - Presiding judge and trial judge
  - Presiding judge and plaintiff
  - Presiding judge, trial judge and the parties to the litigation
- (1 mark)
43. Which one of the following statements in regard to a civil appeal in Kenya jurisdiction, is **NOT** accurate?
- The civil appellate court can reverse the determination of the lower court and rule in favor of the appellant
  - The civil appellate court can remand the determination of the trial court and rule in favor of the appellant
  - The civil appellate court can only address issues of the law
  - The civil appellate court can uphold the decision of the high court
- (1 mark)
44. Which one of the following statements is **MOST** accurate in regard to burden of proof in criminal trials in civil law jurisdictions?
- The general rule in regard to burden of proof is that, the party that takes a case to court has the burden of proof
  - The defendant has strict burden of proof
  - The prosecution has strict burden of proof
  - Both the prosecution and the criminal defendant have strict burden of proof
- (1 mark)
45. Which one of the following statements is **NOT** accurate in regard to the counsel's role in fraud criminal proceeding in Kenya jurisdiction?
- The counsels serve each other with evidence that will be presented in court
  - The defense counsel cross examines the prosecution witnesses during trial
  - The defense counsel questions the prosecution counsel during trial
  - The prosecution counsel conduct examination in-chief and re-examination of the prosecution witness
- (1 mark)
46. Which one of the following statements is **NOT** accurate in regard to a court of appeal in common law jurisdictions?
- In adversarial jurisdictions, the appellate court cannot reverse factual finding of a lower court even when there is mistake, because the court of appeal only address issues of the law
  - In adversarial jurisdictions, the court of appeal can only review issues of law
  - In adversarial jurisdictions, the appellate court can overturn the findings of lower court
  - In adversarial jurisdictions, the appellate court cannot request for more evidence or all more witnesses
- (1 mark)
47. Which one of the following statements is **NOT** accurate in regard to appellate court in inquisitorial jurisdictions?
- The appellate court cannot reverse the evidence determination of the high court
  - The appellate court can modify the evidence determination of the high court
  - The appellate court can remand for additional evidence
  - The appellate court can affirm the factual decisions of the high court
- (1 mark)
48. Which one of the following statements is **ACCURATE** in regard to evidence in the adversarial jurisdictions?
- Generally, adversarial jurisdictions favor documentary evidence
  - In common legal systems the prosecutor should serve the defendant with inculpatory evidence only, to make it difficult for the defendant to prepare for defence
  - In adversarial jurisdictions the prosecutor should serve the defendant with both inculpatory and exculpatory evidence
  - In common legal systems the prosecutor should serve the defendant with exculpatory evidence only
- (1 mark)



49. Which one of the following is **NOT** a type of a legal remedy in a fraud civil case?
- A. Penalties
  - B. Equitable remedy
  - C. Injunction
  - D. Declaratory remedy
- (1 mark)
50. Which one of the following statements is **NOT** accurate in regard to recovery of losses caused by dishonest employees?
- A. An organisation should refer the matter to the police to recover losses caused by employees through fraud and corruption
  - B. The organisation should file a civil litigation to seek for damages remedy
  - C. The organisation can use arbitration to recover employee's fraud losses
  - D. The organisation can recover the losses from fidelity insurance cover
- (1 mark)
51. Which one of the following statements is **NOT** accurate in regard to litigation process, in civil trials, in adversarial jurisdictions?
- A. The duty to preserve evidence relevant to the litigation rests with the defendant
  - B. Parties to the litigation can make a request for the other party to serve them with documents which are relevant to the facts in issue
  - C. Parties to the litigation can be question each other through a written examination during pre-trial
  - D. Parties to the litigation can only question each other during trial and not during pre-trial
- (1 mark)
52. Which one of the following statements is **ACCURATE** in regard to criminal proceedings in inquisitorial jurisdictions?
- A. The Juries panel is composed of professional judges only
  - B. The litigants are allowed challenge jury for a just reason
  - C. Civil law jurisdiction feature jury trial
  - D. Civil law jurisdiction does not feature jury trial
- (1 mark)
53. In criminal proceedings in adversarial jurisdictions, which one of the following statements is **NOT** accurate in regard to disclosure of evidence during pre-trial judicial process?
- A. The prosecution does not have more rights than the criminal defendant in discovery of evidence
  - B. Both the prosecution and the criminal defendant have equal rights of discovery of evidence
  - C. Both the prosecution and the defendant have no right to attorney work product
  - D. Both the prosecution and the defendant have equal rights of discovery of evidence
- (1 mark)
54. Intent is an element of crime. Which one of the following is a proper defense against intent?
- A. The act was in defense
  - B. The act was unintentional
  - C. Legal impossibility
  - D. Alibi
- (1 mark)
55. In corporate criminal liability, the corporate has absolute liability for the misconduct of another party committed in the course of their duties on behalf of the corporate. Which one of the following **BEST** describes this liability?
- A. Corporate liability
  - B. Vicarious liability
  - C. Criminal liability
  - D. Deferred liability
- (1 mark)
56. Which one of the following **BEST** describes an exemption of a search warrant for a law enforcement officer to conduct a seizure or arrest?
- A. When a police officer suspect that a person is possession of incriminating evidence related to the facts in issue in their home
  - B. When a person commits an offence in the presence of a police officer
  - C. When the police officer believes the evidence is the suspects office
  - D. Arresting a suspect in a social gathering
- (1 mark)

57. Which one of the following statements is **NOT ACCURATE** in regard to the company's vicarious criminal liability?
- A. An organisation can be vicariously liable for offences committed by employees in the course of their employment
  - B. An organisation cannot be vicariously liable for offences committed by organisation's consultant if he/she was not directed by management or the board
  - C. If an organisation was not aware of the employee's misconduct the company will still be vicariously liable
  - D. An organisation can be vicariously liable for offences committed by independent contractors (1 mark)
58. Which one of the following is a charging document in common law jurisdiction for serious criminal cases?
- A. A petition
  - B. An application
  - C. Indictment
  - D. Information (1 mark)
59. Which one of the following statements is **ACCURATE** in regard to jury's verdict in criminal and civil trial in the common law jurisdiction?
- A. The jury's verdict must be unanimous in serious criminal cases only
  - B. The jury's verdict must be unanimous in criminal cases
  - C. The jury's verdict must be unanimous in serious civil cases
  - D. The jury's verdict does not need be unanimous in none serious civil and criminal cases (1 mark)
60. Which one of the following is **NOT** accurate under The United Nations International Covenant on Civil and Political Rights (ICCPR) in regard to fair hearing of those accused of crime?
- A. Right to be presented by a legal counsel
  - B. Right to appeal a conviction
  - C. Right to privacy
  - D. Right to examine the prosecution witness (1 mark)
61. Which one of the following **BEST** describes pretrial motion in adversarial jurisdictions?
- A. Motion of Pre-judgment
  - B. Motion of inadmissibility of evidence
  - C. Motion of admissibility of evidence
  - D. Motion of jurisdiction to hear and determine the case (1 mark)
62. Which one of the following **BEST** describes the pretrial examination in civil litigation in common law jurisdiction?
- A. Pre-trial examination
  - B. Examination in chief
  - C. Oral/Written examination
  - D. Direct examination (1 mark)
63. Forensic auditors should have basic knowledge of law **EXCEPT** which one of the following?
- A. Procedural laws related to civil and criminal trials
  - B. The substantive laws related to fraud and corruption
  - C. Case law
  - D. The Basic principles of evidence (1 mark)
64. Which one of the following statements is **ACCURATE** in regard to domestic judgments against a foreign defendant?
- A. The domestic judgement can also enforce seizure of the defendant's assets located in foreign jurisdiction through international cooperation treaties
  - B. The domestic judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction
  - C. The domestic judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction through international law
  - D. The judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction through a mixture of domestic laws and the defendant's jurisdiction laws (1 mark)
65. Which one of the following jurisdictions courts have evidentiary record before trial commences?
- A. Adversarial jurisdictions
  - B. Inquisitorial jurisdictions
  - C. Common law jurisdiction
  - D. Unitary jurisdictions (1 mark)

66. In civil proceeding in adversarial jurisdiction, which one of the following is **NOT** accurate in regard to litigation privileges?
- A. Litigation privileges protects attorney and client communication for legal advice
  - B. Litigation privileges can be extended to a third party
  - C. Litigation privileges protects all documents relevant to the facts in issue
  - D. Litigation privileges protects all documents prepared in anticipation for litigation (1 mark)
67. Which one of the following statements is **NOT** accurate in regard to appointment of witnesses in adversarial jurisdictions like Kenya?
- A. In most adversarial jurisdictions, the court can appoint an expert witness
  - B. In most adversarial jurisdictions, the court appointed expert witness cannot provide evidence in court
  - C. In most adversarial jurisdictions, the witnesses are appointed by the parties to the litigation
  - D. An expert witness appointed by the court, in adversarial jurisdictions, provides evidence in court (1 mark)
68. Which one of the following statements is **NOT** accurate in regard to expert witnesses in the civil legal systems?
- A. In most civil law systems, the accused's counsel cannot cross examine the court's primary expert witness
  - B. In most civil law systems, the accused cannot question the court appointed expert witness
  - C. In most civil law systems, the parties to the litigation can appoint their own experts to question the court's primary expert witness
  - D. In most civil law systems, the defence cannot appoint their own experts to cross examine the prosecution witness (1 mark)
69. Which one of the following statements is **NOT** accurate in regard to deferred prosecution agreement?
- A. Deferred prosecution agreement is similar to bargaining plea
  - B. Deferred prosecution agreement is a judicial justice channel for disposing corporate crimes
  - C. Deferred prosecution agreement involves charging a corporate for criminal liability but not prosecute if the corporate comply with the corrective requirements
  - D. Judicial civil justice system can also apply deferred prosecution agreement channel for disposing civil suits (1 mark)
70. Which one of the following statements is **NOT** accurate in regard administrative laws and court proceedings?
- A. Administrative proceedings are governed by procedural law
  - B. Administrative Proceedings are strictly governed by the rules of evidence
  - C. Administrative Proceedings are not strictly governed by the rules of evidence
  - D. Administrative proceedings apply substantive law (1 mark)
71. Which one of the following statements is **NOT** accurate in regard to sources of law for fraud and corruption trials?
- A. The main source of law in Kenya jurisdiction in fraud criminal trials is the written law
  - B. Kenya jurisdiction apply both common law and written law in fraud cases
  - C. Kenya jurisdiction heavily apply substantive law in criminal cases
  - D. Kenya jurisdiction heavily apply procedural law in criminal cases (1 mark)
72. Which one of the following statements is **ACCURATE** with regard to standard of proof in civil and common law jurisdictions?
- A. The standard of proof in criminal trials in inquisitorial jurisdictions is the same as the standard of proof in civil trials
  - B. The standard of proof for civil trials in the inquisitorial jurisdiction is higher than the standard of proof for civil trials in Kenya jurisdiction
  - C. The standard of proof for a criminal trial in the civil law jurisdiction is higher than the standard of proof in criminal trial in the Kenya Jurisdiction
  - D. The standard of proof in a criminal trial in the civil law jurisdiction is the same as standard of proof in criminal trial in the Kenya Jurisdiction (1 mark)
73. Failure to preserve evidence in the adversarial jurisdictions is an offence. Which one of the following statements is the **MOST** accurate?
- A. Unintentionally deleting documents relevant to a civil litigation is not an offence
  - B. Failure to stop destruction of both electronic data and physical documents relevant to a civil litigation will raise sanction for failure to preserve evidence
  - C. Unintentionally deleting documents relevant to a civil litigation will not raise sanction for failure to preserve evidence
  - D. Unintentionally deleting documents relevant to a civil litigation would be an additional offence to the underlying offence (1 mark)

74. If an agent engages in conflict of interest, which type of law will he/she violate?  
 A. Procedural law  
 B. Substantive law  
 C. Common law  
 D. Constitution law (1 mark)
75. Fred Matungu is a fraud suspect in an ongoing civil investigation in civil law jurisdiction. He accidentally overwrites computer documents that are relevant to the facts in issue. Which one of the following statements is **ACCURATE** in regard to preservation of evidence?  
 A. Fred Matungu would be charged with obstruction of justice  
 B. Fred Matungu would not be charged with obstruction of justice because the overwriting of the documents was not intentional  
 C. Fred Matungu would only be charged with obstruction of justice if the overwriting of documents was intentional  
 D. Obstruction of justice just like any other offence require prove of intent (1 mark)
76. Which one of the following is one of the trial phases of a civil proceedings in adversarial jurisdictions?  
 A. Examination phase  
 B. Investigation phase  
 C. Pre-trial phase  
 D. Sentencing phase (1 mark)
77. Which one of the following statements is **ACCURATE** in regard to discovery of evidence in criminal proceedings in adversarial jurisdictions?  
 A. The parties to the proceedings have right to discover all the evidence to be used in court against  
 B. The defense does not have right to discover all exhibits to be used in court against them  
 C. The defense has right to the investigation report if it going to be produced in court  
 D. The defense has right to the expert's report prepared for the attorney (1 mark)
78. In which of the following jurisdictions can parties to a criminal proceeding **NOT** have access to the full evidentiary record before trial?  
 A. Civil law jurisdiction  
 B. Adversarial jurisdiction  
 C. Inquisitorial jurisdiction  
 D. None of the stated jurisdictions (1 mark)
79. Which one of the following statements is **ACCURATE** in regard to the Directorate of Public Prosecution discretion?  
 A. The general principle behind the DPP prosecution discretion is, based on if there is sufficient evidence to prosecute the case  
 B. DPP prosecutorial discretion is generally based on whether there is reasonable evidence to prosecute the case  
 C. Prosecutorial discretion is generally based on whether there is enough evidence to prosecute the case  
 D. Prosecutorial discretion is generally based on whether the evidence is beyond reasonable doubt (1 mark)
80. Which one of the following statements is **NOT** accurate in regard to judges and juries in the common law jurisdiction?  
 A. Adversarial judicial process uses juries as fact-finders in criminal cases  
 B. Adversarial judicial process uses juries as fact-finders in civil suits  
 C. Adversarial judicial process uses only judges to determine evidence in serious criminal cases  
 D. None of the statements is not accurate (1 mark)
81. Which one of the following statements is **ACCURATE** under, The United Nations' International Convention on Civil and Political Rights (ICCPR) in regard to fair hearing?  
 A. The accused person has right to challenge trial by jury  
 B. The accused person has right to cross examine the prosecution witness  
 C. The accused person has right to cross examine the prosecution counsel  
 D. The accused person has right to be tried without undue delay (1 mark)
82. Which one of the following statements is **ACCURATE** in regard to preservation of evidence in civil trials in adversarial jurisdictions?  
 A. The parties to the litigation have duty to preserve evidence that is relevant to the facts in issue  
 B. The duty to preserve evidence that is relevant to the facts in issue rests with the plaintiff  
 C. The duty to preserve evidence that is relevant to the facts in issue rests with the defendant  
 D. The duty to preserve evidence that is relevant to the facts in issue rests with the accused person (1 mark)

83. Which one of the following is a type of an administrative law created by parliament and adjudicated by a government agency?
- A. Public Procurement and Assets Disposal Act
  - B. Anti-Corruption and Economic Crimes Act
  - C. Computer Misuse and Cybercrime Act
  - D. Bribery Act
- (1 mark)
84. Which one of the following statements is **NOT** accurate in regard to an appeal process in common law jurisdictions in criminal trials?
- A. In most jurisdictions, an appellate court will reverse a conviction only if it finds an error that likely affected the trial's outcome and denied the defendant a fair trial
  - B. Appellate courts cannot reverse the decision of the high court
  - C. Appellate courts can reverse the decision of the high court
  - D. Appellate courts can reverse the decision of the high court and refer the case to the lower court
- (1 mark)
85. Which one of the following is **NOT** a type of a legislative law?
- A. Administrative law
  - B. Private law
  - C. Public law
  - D. Case law
- (1 mark)
86. Which one of the following statements is **NOT** accurate in regard to standard of proof?
- A. The standard of proof in a civil suit in inquisitorial jurisdiction is higher than that of the adversarial jurisdictions
  - B. The standard of proof in a civil suit in adversarial jurisdiction is lower than that of the inquisitorial jurisdictions
  - C. The standard of proof in a criminal proceeding in inquisitorial jurisdiction is higher than that of a civil suit
  - D. The standard of proof in a criminal proceeding in adversarial jurisdictions is higher than that of a civil suit
- (1 mark)
87. Which one of the following statements is **ACCURATE** in regard to prosecution bargaining agreements?
- A. Bargaining agreements in civil law jurisdictions is entered as a written confession
  - B. Bargaining agreement in civil law jurisdictions is entered as a guilty plea
  - C. Bargaining agreements in common law jurisdictions is not commonly used
  - D. Bargaining agreements in civil law jurisdictions are commonly used
- (1 mark)
88. Which one of the following statements is **MOST** accurate in regard to fact finders in the adversarial jurisdictions?
- A. Adversarial judicial process uses juries as fact-finders in serious criminal cases only
  - B. Adversarial judicial process uses judges as fact-finders in all serious criminal cases
  - C. Adversarial judicial process uses juries as fact-finders in both civil and criminal litigations
  - D. Adversarial judicial process uses judges as fact-finders in all serious criminal cases
- (1 mark)
89. A Judge in the common law jurisdiction encountered a fraud case where there was no specific substantive law that he could apply to the facts in issue. Which one of the following types of law would he apply to determine the case?
- A. Procedural law
  - B. Substantive law
  - C. Common law
  - D. Case law
- (1 mark)
90. Which one of the following statements is **ACCURATE** in regard to burden of proof in a civil litigation in civil law jurisdictions?
- A. In civil law jurisdictions the presiding judge has the burden to prove because he drives the discovery of evidence
  - B. In civil law jurisdiction the plaintiff has the burden of proof, because he/she is the pleading party
  - C. In civil law jurisdictions both parties to the civil litigation have the burden of proof
  - D. In civil law jurisdiction the defendant has the burden of proof
- (1 mark)

91. Which one of the following statements is **ACCURATE** in regard to burden of proof in a criminal prosecution in inquisitorial jurisdictions?
- A. In inquisitorial jurisdictions the presiding judge has the burden of proof because he drives the discovery of evidence
  - B. In inquisitorial jurisdiction the prosecution has the burden of proof, because it is the alleging party
  - C. In inquisitorial jurisdictions the parties to the criminal proceedings have the burden of proof
  - D. In inquisitorial jurisdictions the defense does not have a burden of proof (1 mark)
92. Which one of the following **BEST** describes an appeal application by a fraud criminal defendant in criminal proceedings?
- A. An appeal for equitable remedy
  - B. An appeal against liability
  - C. An appeal against conviction
  - D. An appeal against acquit (1 mark)
93. In inquisitorial jurisdictions, who drives the discovery of evidence in civil litigation?
- A. The plaintiff and the defendant
  - B. The presiding judge
  - C. The plaintiff
  - D. The defendant (1 mark)
94. A fraud victim in the common law jurisdiction, can file a civil suit to recover damages caused by a defendant. Which one of the following statements in regard to civil litigation is **MOST** accurate?
- A. In a civil suit, both the plaintiff and defendant have the burden of proof
  - B. In a civil suit, the defendant has the burden of proof
  - C. In a civil suit, the burden of proof rests with the party that took the case to court
  - D. In a civil suit, the standard of proof is inner conviction of the judge (1 mark)
95. Which one of the following statements **BEST** describes parallel proceedings?
- A. A criminal defendant who is also subject to a civil litigation regarding the same facts in issue
  - B. A civil defendant who is found not liable at trial but is sued again for the same facts in issue
  - C. A civil defendant who is being sued by two or more plaintiffs for the same facts in issue
  - D. A criminal defendant who is found not guilty at trial but is sued for the same facts in civil litigation (1 mark)
96. Which one of the following statements is **NOT** accurate in regard to why an organisation in an adversarial jurisdiction may consider civil action as opposed to criminal prosecution against a fraud suspect
- A. An organisation may consider civil action to facilitate full damages remedy
  - B. An organisation may consider civil action because of the high standard proof in criminal cases
  - C. An organisation may consider civil action because of the lower standard of proof in civil action compared to criminal prosecution
  - D. An organisation may take civil action to facilitate damages remedy (1 mark)
97. Which one of the following statements is **MOST** accurate in regard to why an organisation in common law jurisdiction, may consider both civil action and criminal prosecution against a fraud suspect
- A. An organisation may consider both civil action and criminal prosecution to enhance chances of recovery of damages
  - B. An organisation may consider both civil action and criminal prosecution to enhance penalties and punishment
  - C. An organisation may consider both civil action and criminal prosecution, to fast tract recovery of damages and to have the suspect prosecuted and punished respectively
  - D. An organisation may consider both civil action and criminal prosecution, to fast tract prosecution and conviction of a suspect, which can be used to as evidence in civil litigation (1 mark)
98. Which one of the following statements is **ACCURATE** in regard to closing arguments in a criminal case in an adversarial jurisdiction?
- A. Closing arguments are additional points that add weight to the existing evidence
  - B. The defendant presents their closing arguments first, to convince the judge to acquit
  - C. The prosecution presents their closing arguments first and convince the judge to convict
  - D. Closing arguments are not additional evidence to strengthen each party's side of the case (1 mark)

99. Which one of the following statements is **NOT** accurate in regard to bargaining agreements in criminal justice system?
- A. Bargaining agreements helps to enhance efficiency in the criminal justice system
  - B. Bargaining agreements are featured in both civil and common law jurisdictions
  - C. Bargaining agreements are not featured in inquisitorial jurisdiction
  - D. Bargaining agreements are not commonly featured in the civil law jurisdiction
- (1 mark)
100. Which one of the following types of law would a judge usually apply on fraud or corruption trials in the common law jurisdiction?
- A. Procedural law
  - B. Substantive law
  - C. Common law
  - D. Codified principles
- (1 mark)

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**CERTIFIED FORENSIC FRAUD EXAMINER (CFFE)**

**MODULE ONE**

**OVERVIEW OF THE LEGAL AND JUSTICE SYSTEM**

**TUESDAY: 5 December 2023. Morning Paper.**

**Time Allowed: 3 hours.**

**Answer ALL questions by indicating the letter (A, B, C or D) that represents the correct answer. This paper is made up of one hundred (100) Multiple Choice Questions. Each question is allocated one (1) mark.**

1. Which of the following statement is **NOT** accurate in regard to civil prosecution in the adversarial jurisdictions?
  - A. In a civil trial, the plaintiff has the burden of proof
  - B. In a civil trial, the defendant has the burden of proof
  - C. In a civil trial, the standard of proof is balance of probability
  - D. None of the above(1 mark)
  
2. Which of the following is **NOT** accurate in regard to tribunals?
  - A. Tribunals are subordinate courts within the judicial system
  - B. Tribunals are specialised quasi-judicial bodies
  - C. Tribunals are not governed by strict rules of evidence
  - D. None of the above(1 mark)
  
3. Which of the following statements is **ACCURATE** in relation to burden of proof in civil law legal systems?
  - A. In inquisitorial jurisdictions, the burden of proof for criminal trials, rests with the party that brought the case to court
  - B. In inquisitorial jurisdictions the burden of proof for civil trials rests with the parties to the litigation
  - C. The burden of proof for a civil trial, in the civil law jurisdictions rests with the plaintiff
  - D. The burden of proof for a civil trial in the civil law jurisdictions rests with the defense(1 mark)
  
4. Which of the following statement is **NOT** accurate under the United Nations' International Covenant on Civil and Political Rights (ICCPR) for those accused of crimes, in regard to presumption of innocence?
  - A. An accused person is presumed innocent even when there is sufficient evidence to prove the accused individual committed the alleged crime
  - B. A person accused of a crime is a criminal defendant
  - C. A person accused of a crime must be proven guilty by a court of law
  - D. None of the above(1 mark)
  
5. Which of the following statement is **ACCURATE** in regard to the standard of proof in a criminal trial in inquisitorial jurisdictions?
  - A. The standard of proof is beyond reasonable doubt
  - B. The standard of proof is balance of probability
  - C. The standard of proof Preponderance of evidence
  - D. Inner conviction of the judge(1 mark)
  
6. Common law jurisdictions conduct sworn testimony given by a party or witness upon questioning by counsel for one of the parties. Which of the following **BEST** describes the type of examination?
  - A. Examination in chief
  - B. Direct examination
  - C. Re-examination
  - D. None of the above(1 mark)



7. In most adversarial jurisdictions, which of the following documents is used as a charging document in serious criminal cases?
- A. Application
  - B. Information
  - C. Petition
  - D. None of the above
- (1 mark)

**ANSWER: D**

8. Which of the following statement is **ACCURATE** in regard to questioning of witnesses in adversarial jurisdictions like Kenya?
- A. In adversarial jurisdictions, the questioning is done by both parties to the litigation
  - B. In adversarial jurisdictions, the judges conduct the questioning
  - C. In adversarial jurisdictions, the questioning is conducted by the prosecution only
  - D. None of the above
- (1 mark)
9. Which of the following statements is **NOT** accurate about prosecution bargaining agreements?
- A. Bargaining agreements are more commonly used in adversarial jurisdictions
  - B. The prosecution has the discretion to enter into bargaining agreement with the criminal defendant
  - C. Bargaining agreements are not used in inquisitorial jurisdictions
  - D. All the above
- (1 mark)
10. Which of the following is **NOT** accurate in regard to closing arguments in a criminal case in an adversarial jurisdiction?
- A. Closing arguments are not additional evidence to strengthen each party's side of the case
  - B. The defense presents their closing arguments first
  - C. The closing points are made by both the prosecution and the defense to convince the judge or jury to convict and acquit respectively
  - D. None of the above
- (1 mark)
11. Which of the following is **NOT** accurate in regard to the burden of proof in inquisitorial jurisdictions?
- A. In inquisitorial jurisdictions, the presiding judge has the burden to prove each sides case
  - B. In inquisitorial jurisdictions, the trial judge determines whether the evidence meet the standard of proof
  - C. In inquisitorial jurisdictions, both the prosecution and the defence have strict burden of proof
  - D. None of the above
- (1 mark)
12. Which of the following statement is **NOT** most accurate in regard to jurisdiction to hear a case in the common law jurisdictions?
- A. Jurisdiction to hear a case is determined by where the claim arose
  - B. Jurisdiction to hear a case is determined by where the defendant resides
  - C. Jurisdiction is determined by where the prosecution and defendant resides
  - D. None of the above
- (1 mark)
13. Which of the following statements is **MOST** accurate in regard to the sources of law in common law jurisdictions?
- A. The sources of law in common law jurisdictions is the statutes and common law
  - B. The sources of law in common law jurisdictions is the common law
  - C. The sources of law in common law jurisdictions is the codified principles
  - D. None of the above
- (1 mark)
14. Which of the following statements is **ACCURATE** in regard to sources of law in inquisitorial jurisdictions in criminal trial, like corruption?
- A. In inquisitorial jurisdictions, judges can only apply codified principles in criminal cases
  - B. In inquisitorial jurisdiction judges are bound by the court decision in determining cases
  - C. Judges in civil law legal systems cannot use court precedent to interpret codified statutes
  - D. None of the above
- (1 mark)
15. Which of the following statement is **NOT** accurate in regard to alternative dispute resolution?
- A. An arbitrator acts as judge
  - B. Mediation is binding
  - C. Arbitration can be binding or non- binding
  - D. Arbitration and mediation is not a recommended method of resolving fraud disputes
- (1 mark)

16. Which of the following statement is **ACCURATE** in regard to civil countersuits?
- A. Civil countersuits cannot run concurrently
  - B. A defendant in another civil trial can be a plaintiff in another civil trial
  - C. A plaintiff in another civil trial cannot be a defendant in another civil trial
  - D. None of the above
- (1 mark)
17. In inquisitorial jurisdiction, which of the following statement is **NOT** accurate in regard to use of juries as fact finders?
- A. Inquisitorial jurisdictions that use juries as fact finders do not allow jury trial in civil suits
  - B. Inquisitorial jurisdictions allow jury trial in serious civil trials
  - C. Inquisitorial jurisdictions do not use juries in serious civil trials
  - D. None of the above
- (1 mark)
18. There are two major legal systems worldwide, and any country would be in, either the common or civil law. Which of the following describes the approach the civil law legal system uses to discover evidence?
- A. Oral discovery
  - B. Written discovery
  - C. Inquisitorial
  - D. None of the above
- (1 mark)
19. Which of the following Kenyan law sets the rules and procedures to be followed to determine fraud civil cases?
- A. Substantive law
  - B. Civil procedure Act
  - C. Procedural law
  - D. None of the above
- (1 mark)
20. Which of the following Kenyan law sets the rules and procedures to be followed to determine a money laundering case?
- A. Procedure law
  - B. Criminal Procedure Code
  - C. Civil Procedure Act
  - D. POCAMLA Act
- (1 mark)
21. Which of the following law is **NOT** created by parliament?
- A. Administrative law
  - B. Statutory law
  - C. Procedural law
  - D. None of the above
- (1 mark)
22. Which of the following is **NOT** a type of a procedural law?
- A. Computer Misuse and Cybercrime Act
  - B. Criminal Procedure Code
  - C. Evidence Act
  - D. Civil Procedure Act
- (1 mark)
23. Which of the following is a type of substantive Rules?
- A. Public Procurement and Assets Disposal Act
  - B. POCAMLA Regulations
  - C. Penal Code
  - D. Bribery Act, 2016
- (1 mark)
24. Which of the following statement is **NOT** accurate in regard to international laws?
- A. International law is a body of rules, convention and treaties observed by nations
  - B. International laws define the nations legal responsibilities for their conduct when dealing with each other
  - C. International law is primarily enforced through diplomacy
  - D. None of the above
- (1 mark)
25. Which of the following statements is **NOT** accurate about the discovery of evidence process in criminal proceedings in common law jurisdiction?
- A. The discovery of evidence occurs in the trial phase of the court proceeding
  - B. The parties to the litigation are limited on the information they can discover
  - C. The prosecution and defense drives the discovery of evidence
  - D. None of the above
- (1 mark)

26. In common law jurisdictions, which of the following statement is **ACCURATE** in regard to standard of proof in civil fraud trials
- A. The standard of proof in fraud civil trials in adversarial jurisdictions is higher than civil trials in inquisitorial jurisdictions
  - B. The standard of proof in fraud civil trials in adversarial jurisdictions is balance of probability
  - C. The standard of proof in fraud civil trials in adversarial jurisdictions is lower than in criminal trials
  - D. None of the above (1 mark)
27. Which of the following **BEST** describe the type of remedy a plaintiff, would be appealing for where they have already been awarded for damages?
- A. Injunction
  - B. Damages
  - C. Equitable remedy
  - D. None of the above (1 mark)
28. Which of the following statement **BEST** describe the civil litigation process in the adversarial jurisdictions?
- A. The defendant presents the evidence first
  - B. The presiding judge presents the evidence first
  - C. The prosecutor presents the evidence first
  - D. The plaintiff presents the evidence first (1 mark)
29. Which of the following statement **BEST** describe the civil trial process in the civil law jurisdictions?
- A. The plaintiff presents the evidence first
  - B. The defendant presents the evidence first
  - C. The presiding judge presents the evidence first
  - D. None of the above (1 mark)
30. Which of the following statement is **ACCURATE** in regard to criminal trial process in the adversarial jurisdictions?
- A. The criminal defendant presents their evidence before the prosecution
  - B. The court has the evidentiary record at the outset of trial
  - C. The court discovers the evidence during trial
  - D. None of the above (1 mark)
31. Which of the following statement is **NOT** a reason why some organisation in adversarial jurisdictions, may take civil action against perpetrators of fraudulent or corrupt activities?
- A. An organisation may take civil action to avoid negative publicity
  - B. An organisation may take civil action because of high standard of proof
  - C. An organisation may take civil action to facilitate quick recovery of lost resource
  - D. None of the above (1 mark)
32. Which of the following statements is **ACCURATE** in regard to sources of law in the adversarial jurisdictions for fraud and corruption cases?
- A. The primary source of law in the adversarial jurisdictions for financial crimes is the case law
  - B. The primary source of law in the adversarial jurisdictions for financial crimes is the written law
  - C. The primary source of law in the adversarial jurisdictions for financial crimes is the court precedents
  - D. None of the above (1 mark)
33. Which of the following statements is **NOT** accurate in regard to action for fraud cases?
- A. Fraud is a criminal offence, can be determined through mediation and arbitration
  - B. Fraud is a criminal offence, but can be determined through civil legal justice
  - C. Fraud is a criminal offence, but can be determined through administrative justice
  - D. None of the above (1 mark)
34. Which of the following body of law is **NOT** related to fraud and corruption?
- A. Statutory law
  - B. Substantive law
  - C. Administrative law
  - D. None of the above (1 mark)

35. Which of the following is **NOT** a type of procedural law?  
A. Criminal procedure Code  
B. Public Procurement and Assets Disposal Act  
C. Civil procedure Act  
D. Evidence Act (1 mark)
36. Which of the following statement is **NOT** accurate in regard to the choice of law in international fraud cases?  
A. The courts will not consider the nationality of the parties to the litigation  
B. The courts will consider the jurisdiction in which the defendant resides  
C. The courts will not consider the current physical address of the parties in litigation  
D. None of the above (1 mark)
37. Which of the following statement is **ACCURATE** in regard to the pre-trial process in adversarial jurisdictions in a criminal trial?  
A. The Parties to the litigation are entitled to all the information and evidence to be used by the opposing side during trial  
B. Only the defense is allowed to discover evidence to be used by the prosecution  
C. The Parties to the litigation are entitled to discover limited exhibits that will be used by the opposition during trial  
D. None of the above (1 mark)
38. Which of the following **BEST** describes the body of law that provides remedies for violation of individual private rights?  
A. Procedural law  
B. Constitutional law  
C. Administrative law  
D. None of the above (1 mark)
39. Which of the following statement is **ACCURATE** in regard to the law of evidence?  
A. The law of evidence is categorised as a public law  
B. The law of evidence is a statutory law  
C. The law of evidence is categorised as a substantive law  
D. None of the above (1 mark)
40. In the civil jurisdictions which party is responsible for gathering evidence?  
A. The trial judge  
B. The court  
C. The parties to the litigation  
D. All the above (1 mark)
41. Which of the following is the **BEST** legal defense, when a law enforcement officer induces someone to commit a crime he is not disposed to?  
A. Alibi  
B. Entrapment  
C. Lack of jurisdiction  
D. Legal impossibility (1 mark)
42. Under the United Nations International Covenant on Civil and Political Rights for persons accused of a crime (ICCPR), which of the following is **NOT** one of the rights?  
A. Assumption of innocence  
B. Right to appeal  
C. Right to be informed of the charges without undue delay  
D. None of the above (1 mark)
43. Which of the following statement is **ACCURATE** in regard to discovery of evidence in civil cases in Kenya jurisdictions?  
A. The discovery occurs in trial phase  
B. The discovery occurs in cross examination phase  
C. The discovery occurs during direct examination phase  
D. None of the above (1 mark)

44. Which of the following is **ACCURATE** in regard to the discovery of evidence in criminal trials in the inquisitorial jurisdictions?
- A. The discovery of evidence is driven by the trial judge
  - B. The discovery of evidence is conducted during pre-trial
  - C. The discovery of evidence is driven by the parties to the litigation
  - D. None of the above
- (1 mark)
45. In adversarial jurisdictions, which of the following statement is accurate in regard to when the duty to preserve documents that are relevant to the facts in issue begin?
- A. The duty to preserve the documents start when the court proceedings commence
  - B. The duty to preserve the documents start during pre-trial proceedings
  - C. The duty to preserve the documents start when litigation is anticipated
  - D. None of the above
- (1 mark)
46. In the civil law jurisdiction, which of the following parties has responsibility for preserving evidence?
- A. The trial judge has the responsibility to advise when and which documents should be preserved
  - B. The parties to the litigation have the responsibility to decide when to preserve evidence
  - C. The presiding judge have the responsibility to decide when to preserve documents relevant to the facts in issue
  - D. None of the above
- (1 mark)
47. Which of the following statement is **ACCURATE** in regard to arbitration and fraud cases?
- A. Fraud cases can also be resolved through arbitration but the arbitrator's decision is not binding
  - B. Fraud cases cannot be resolved through arbitration because fraud is a criminal offence
  - C. Fraud cases can also be resolved through arbitration and the arbitrator's decision shall be binding, if the parties involved agreed so
  - D. All the above
- (1 mark)
48. Which of the following is **ACCURATE** in regard to Court of Appeal in the adversarial jurisdictions?
- A. The Court of Appeal can overturn a lower court decision, and make new determination of the facts in issue
  - B. The Court of Appeal can overturn a lower court decision, and start a fresh trial
  - C. The Court of Appeal can overturn a lower court decision, make new determination and review the law
  - D. None of the above
- (1 mark)
49. In a civil trial in the common law jurisdictions, which of the following is an example of damages remedy in a fraud case?
- A. Compensation for damages
  - B. A court order to perform or to refrain from an action
  - C. Equitable remedy
  - D. None of the above
- (1 mark)
50. The second phase of a litigation process in most inquisitorial jurisdictions is referred as \_\_\_\_\_.
- A. The Pre-trial phase
  - B. The trial
  - C. Examination phase
  - D. None of the above
- (1 mark)
51. Which of the following statement in regard to a civil appellate court in a Kenya jurisdiction is **ACCURATE**?
- A. The civil appellate court can call more expert opinions
  - B. The civil appellate court cannot obtain more documentary evidence
  - C. The civil appellate court can call more witnesses testimony
  - D. None of the above
52. Which of the following statement is **MOST** accurate in regard to burden of proof in criminal trials in inquisitorial jurisdictions?
- A. Only the prosecution has the burden of proof
  - B. Only the defense has the burden of proof
  - C. Both the parties to litigation have equal burden of proof
  - D. None of the above
- (1 mark)

53. Which of the following statement is **NOT** accurate in regard to the advocate's role in criminal fraud litigation proceeding in Kenya jurisdiction?
- A. The advocates obtain documentary evidence from each other during investigation phase
  - B. The defense advocate will conduct a cross-examination of the prosecution witnesses
  - C. The prosecution counsel conduct examination in-chief and re-examination of the prosecution witness
  - D. None of the above (1 mark)
54. Which of the following statement is **ACCURATE** in regard to a court of appeal in the adversarial jurisdictions?
- A. In adversarial jurisdictions, the appellate court can reverse a factual finding of a lower court if there is an obvious mistake, and refer the case to the high court
  - B. In adversarial jurisdictions, the court of appeal can review both issues of evidence and law
  - C. In adversarial jurisdictions, the appellate court cannot overturn the findings of lower court
  - D. None of the above (1 mark)
55. Which of the following statement is **NOT** accurate in regard to the court of appeal in civil law jurisdictions?
- A. In the civil law legal system, the appellate court can reverse determination of factual findings by a lower court and make new determinations
  - B. In the civil law legal system, the appellate court can review both issues of facts and law
  - C. In civil law jurisdictions, there are no exceptional cases where the appellate court cannot review both issues of facts and law
  - D. None of the above (1 mark)
56. Which of the following is **ACCURATE** in regard to evidence in the adversarial jurisdictions?
- A. Generally, adversarial jurisdictions favor documentary evidence
  - B. In common legal systems, the prosecutor should serve the defendant with exculpatory evidence only
  - C. In common legal systems, the prosecutor should serve the defendant with inculpatory evidence only
  - D. In adversarial jurisdictions, the prosecutor should serve the defendant with both incriminating and non-incriminating evidence (1 mark)
57. Which of the following is a type of a legal remedy in a civil case?
- A. Penalties
  - B. Fines
  - C. Injunction
  - D. None of the above (1 mark)
58. Which of the following statement is **NOT** accurate in regard to recovery of losses caused by dishonest employees?
- A. An organisation should refer the matter to the police to recover losses caused by employees through fraud and corruption
  - B. The organisation should file a civil litigation to seek for damages remedy
  - C. The organisation can use arbitration to recover employee's fraud losses
  - D. The organisation can recover the losses from fidelity insurance cover (1 mark)
59. Which of the following statements in regard to civil trials in adversarial jurisdictions is **NOT** accurate in regard to litigation process?
- A. Only the defence has the duty to preserve evidence relevant to the litigation
  - B. Parties to the litigation can make a request for the other party to serve them with documents which are relevant to the facts in issue
  - C. Any party to the litigation can be questioned by the other party through a written examination
  - D. None of the above (1 mark)
60. Which of the following statement is **NOT** accurate in regard to criminal proceedings in civil law jurisdictions?
- A. The Juries panel is composed of lay and professional judges
  - B. The litigants are not allowed peremptory challenge
  - C. The parties to the criminal proceedings are allowed to challenge jurors for a just cause
  - D. Juries are used in serious criminal cases (1 mark)
61. In criminal proceedings in common law jurisdictions, which of the following is **ACCURATE** in regard to discovery of evidence during judicial process?
- A. The prosecution has more rights than the defense in discovery of evidence
  - B. The defendant has more right than defense in discovery of evidence
  - C. Both the prosecution and defense has the right to attorney work product of the opposing party
  - D. None of the above (1 mark)

62. Intent is an element of crime, which of the following is a proper defense against intent?  
A. Ignorance of the law  
B. Mistake  
C. Legal impossibility  
D. None of the above (1 mark)
63. In corporate criminal liability, the corporate has absolute liability for the misconduct of another party committed in the course of their duties on behalf of the corporate. Which of the following **BEST** describe this liability?  
A. Vicarious liability  
B. Corporate liability  
C. Criminal liability  
D. None of the above (1 mark)
64. Which of the following **BEST** describes exemption of a search warrant for a law enforcement officer to conduct a seizure or arrest?  
A. When a person is suspected to be in possession of contraband  
B. Arresting a suspect in his own home  
C. Arresting a suspect in a social gathering  
D. None of the above (1 mark)
65. John Mwai is the Chief Executive Officer of ABC Limited. John admit to the forensic auditor that the financial statements were materially misrepresented. Which of the following should the investigator make sure is included in John's statement?  
A. That the misrepresentation was intentional  
B. That the misrepresentation was due to lack of expertise in financial reporting  
C. That John was unaware of the misrepresentation since the statements were prepared by the finance department  
D. That the misrepresentation was an error (1 mark)
66. Which of the following statement **BEST** describes a custodial arrest?  
A. A custodial arrest occurs when the suspect is arrested by the law enforcement officer  
B. A custodial arrest occurs when a suspect is informed by the law enforcement that he is charged with an offence  
C. A custodial arrest occurs when the suspect is booked into a police station  
D. None of the above (1 mark)
67. Which of the following statement is **NOT** accurate in regard to the company's vicarious liability?  
A. An organisation can be vicariously liable for offences committed by employees in the course of their employment  
B. An organisation cannot be vicariously liable for offences committed by independent contractors  
C. If the organisation was not aware of the employee's misconduct, the company will still be vicariously liable.  
D. None of the above (1 mark)
68. In most adversarial jurisdictions, which of the following is charging document for serious criminal cases?  
A. A petition  
B. An application  
C. Indictment  
D. None of the above (1 mark)
69. Which of the following statement is **NOT** accurate in regard to jury's verdict in criminal and civil trial in the adversarial jurisdiction?  
A. The jury's verdict must be unanimous in serious criminal cases only  
B. The jury's verdict must be unanimous in criminal cases  
C. The jury's verdict does not need be unanimous in civil cases  
D. None of the above (1 mark)
70. Which of the following is **NOT** accurate under, The United Nations International Covenant on Civil and Political Rights (ICCPR) in regard to fair hearing of those accused of crime?  
A. Right to adequate time to prepare for trial  
B. Right to be informed of the charges  
C. Right to have translator for free  
D. Presumption of innocence (1 mark)

71. Which of the following is **NOT** an example of pretrial motion in adversarial jurisdictions?  
A. Motion for summary judgment  
B. Motion of change of venue  
C. Motion of admissibility of evidence  
D. None of the above (1 mark)
72. Which of the following **BEST** describe the pretrial discovery process in civil trials in adversarial jurisdiction?  
A. Re-examination  
B. Examination in chief  
C. Oral/Written examination  
D. All the above (1 mark)
73. Fraud Examiners and forensic auditors should have good knowledge of law, **EXCEPT** which one of the following?  
A. Procedural laws related to civil and criminal trials  
B. The substantive laws related to fraud and corruption  
C. The basic principles of evidence  
D. The philosophy of law (1 mark)
74. Which of the following statement is **NOT** accurate in regard to domestic judgments against a foreign defendant?  
A. The domestic judgement can also enforce seizure of the defendant's assets located in foreign jurisdiction through diplomacy  
B. The domestic judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction whose internal laws recognise the judgement  
C. The judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction that has a treaty with the domestic country  
D. None of the above (1 mark)
75. In civil suits in inquisitorial jurisdictions, the evidentiary record is usually created at what phase of the trial process?  
A. During the investigation phase  
B. At the pre-trial stage  
C. Examination phase  
D. None of the above (1 mark)
76. In civil proceeding in adversarial jurisdiction, which of the following statements is **NOT** accurate in regard to litigation privileges?  
A. Litigation privileges protects attorney and client to an attorney communication for legal advice  
B. Litigation privileges protect information provided to third party consulting expert  
C. Litigation privileges protects communications or documents prepared in anticipation for litigation  
D. None of the above (1 mark)
77. Which of the following statement is **NOT** accurate in regard to cross examination of witnesses in common jurisdictions like Kenya?  
A. In most adversarial jurisdictions, the accused has the right to cross examine any witness called by the prosecution  
B. In most adversarial jurisdictions, the court can appoint an expert witness  
C. In most adversarial jurisdictions, the witnesses are appointed by the parties to the litigation  
D. None of the above (1 mark)
78. Which of the following statement is **NOT** accurate in regard to witnesses in the civil legal systems?  
A. In most civil law systems, the accused's counsel can cross examine the court's primary expert witness  
B. In most civil law systems, the accused has the right to question the court appointed expert witness  
C. In most civil law systems, the parties to the litigation can appoint their own experts to question the court's primary expert witness  
D. None of the above (1 mark)
79. Which of the following statement is **NOT** accurate in regard to deferred prosecution agreement?  
A. Deferred prosecution agreement is an efficient method of handling corporate misconduct  
B. Deferred prosecution agreement helps in mitigating the risk of illegal practices  
C. Deferred prosecution agreement encourages corporate misconduct  
D. None of the above (1 mark)



80. Which of the following statement is **NOT** accurate in regard to administrative laws and court proceedings?
- A. Administrative proceedings are governed by procedural law
  - B. Administrative proceedings are governed by the rules of evidence
  - C. Administrative laws are type of substantive law
  - D. None of the above
- (1 mark)
81. Which of the following statement is **NOT** accurate in regard to sources of law for fraud and corruption trials?
- A. The main source of law in Kenya jurisdiction in criminal trials is the statutory law
  - B. Kenya jurisdiction heavily applies written law in criminal cases
  - C. Kenya jurisdiction heavily applies substantive law in criminal cases
  - D. None of the above
- (1 mark)
82. Which one of the following statement is **ACCURATE** with regard to standard of proof in civil and common law jurisdictions?
- A. The standard of proof for criminal trials in civil law jurisdiction is higher than the standard of proof for civil trials
  - B. The standard of proof for civil trials in the inquisitorial jurisdiction is higher than the standard of proof for civil trials in Kenya jurisdiction
  - C. The standard of proof for a criminal trial in the civil law jurisdiction is higher than the standard of proof in criminal trial in the Kenya Jurisdiction
  - D. None of the above
- (1 mark)
83. Which of the following statement is **NOT** accurate in regard to duty to preserve evidence in the adversarial jurisdictions?
- A. Unintentionally deleting documents relevant to a civil litigation is not an offence
  - B. Failure to stop destruction of both electronic data and physical documents relevant to a civil litigation will raise sanction for failure to preserve evidence
  - C. Unintentionally deleting documents relevant to a civil litigation will not raise sanction for failure to preserve evidence
  - D. Unintentionally deleting documents relevant to a civil litigation would be an additional offence of obstruction of justice
- (1 mark)
84. Which of the following statements is **NOT** accurate in regard to judges and fact finding in criminal trials in the adversarial jurisdictions?
- A. In common law jurisdictions, a judge does not always serve as the fact-finder in a criminal trial
  - B. In common law jurisdictions which use juries, the judges are commonly used as fact finders
  - C. In common law jurisdictions, where juries are used as fact finders, juries are commonly used as fact finders
  - D. None of the above
- (1 mark)
85. If an agent engages in abuse of office, which of the following **BEST** describe the law he/she has violated?
- A. Procedural law
  - B. Substantive law
  - C. Anti-Corruption and Economic Crimes Act
  - D. All the above
- (1 mark)
86. Judy Chemuto is a suspect in an ongoing civil investigation in an adversarial jurisdiction. Judy shreds original documents that are relevant to the facts in issue. Which of the following statement is **ACCURATE** in regard to preservation of evidence?
- A. Judy did not violate her duty to preserve relevant information because no litigation had commenced when she shredded the documents
  - B. Judy did not violate her duty because litigation was not reasonably anticipated
  - C. Judy did not violate her duty to preserve relevant information because the court had not requested for preservation of the documents
  - D. None of the above
- (1 mark)
87. Which of the following is **NOT** one of the trial phases of a criminal proceedings in adversarial jurisdictions?
- A. Trial phase
  - B. The examination phase
  - C. The pre-trial phase
  - D. None of the above
- (1 mark)

88. Which of the following statement is **ACCURATE** in regard to criminal discovery process in common law jurisdictions?
- The parties to the court proceedings have right to discover all the materials to be used in court against them by the opposing side
  - The parties to the litigation have a right to discover all exhibits
  - The parties to the proceedings have a right to the expert consultant's report prepared for the attorney
  - None of the above (1 mark)
89. Which of the following statement is **ACCURATE** in regard to judges and juries in the civil legal systems?
- Inquisitorial judicial process use juries as fact-finders in all criminal cases
  - Inquisitorial judicial process use juries as fact-finders in serious civil suits
  - Inquisitorial judicial process uses judges only as fact-finders
  - None of the above (1 mark)
90. In adversarial jurisdictions, which of the following **BEST** describe the type of challenge when a defendant in a criminal trial refuses trial by a panel of juries for no cause?
- Challenge for a cause
  - Jury challenge
  - Court challenge
  - None of the above (1 mark)
91. In which of the following jurisdiction can parties to a criminal proceedings have access to the full evidentiary record before trial?
- Civil law jurisdiction
  - Adversarial jurisdiction
  - Common law jurisdiction
  - None of the above (1 mark)
92. Which of the following statements is **ACCURATE** in regard to judges and juries in Civil law jurisdiction?
- Inquisitorial judicial process does not use juries as fact-finders
  - Inquisitorial judicial process only use judges as fact finders
  - Inquisitorial jurisdiction uses a juries in serious criminal cases only
  - None of the above (1 mark)
93. Which of the following statements is **ACCURATE** in regard to prosecution discretion?
- Kenya Directorate of Public Prosecution does not have total prosecutorial discretion
  - Prosecutorial discretion is generally based on whether there is sufficient evidence to prosecute
  - Kenya Directorate of Public Prosecution prosecute all cases investigated by the investigative agencies
  - None of the above (1 mark)
94. Which of the following statements is **ACCURATE** in regard to judges and juries in the common law jurisdiction?
- Adversarial judicial process use juries as fact-finders only in criminal cases
  - Adversarial judicial process use juries as fact-finders in civil suits
  - Adversarial judicial process cannot use judges as fact-finders
  - None of the above (1 mark)
95. Which of the following statement is **ACCURATE** under, The United Nations' International Convention on Civil and Political Rights (ICCPR)?
- Countries that have signed and ratified the ICCPR convention can choose to or not observe rights of those accused of crime
  - Part III includes the rights of those accused of crimes only
  - It states that the results of criminal hearings should not be published to protect confidentiality
  - None of the above (1 mark)
96. Ambrose Wasike is a suspect in an ongoing civil investigation in an adversarial jurisdiction. He shreds original documents due for destruction that are relevant to the facts in issue. Which of the following statement is **NOT** accurate in regard to preservation of evidence?
- Ambrose likely violated his duty to preserve relevant information because he destroyed evidence when litigation was reasonably anticipated
  - Ambrose violated his duty to preserve relevant information because he had a duty to preserve the documents as a party to the litigation
  - Ambrose violated his duty to preserve relevant information even if documents were due for destruction
  - Ambrose did not violate the duty to preserve evidence because the court had not ordered the preservation of the documents at the time (1 mark)

97. Which of the following is **NOT** a type of substantive law related to fraud and corruption?  
A. Public Finance Management Act  
B. Criminal Procedure Code  
C. Penal code  
D. None of the above (1 mark)
98. Which of the following statement is **NOT** accurate in regard to an appeal process in civil law jurisdictions in criminal trials?  
A. In most jurisdictions, an appellate court will reverse a conviction only if it finds an error that likely affected the trial's outcome and denied the defendant a fair trial  
B. Appellate courts will address both issues of law and evidence  
C. Appellate courts can reverse the decision of the lower court and make a fresh determination  
D. None of the above (1 mark)
99. Which of the following is **NOT** a type of a statutory law?  
A. Procedural law  
B. Written law  
C. Substantive law  
D. None of the above (1 mark)
100. Which of the following statement is **ACCURATE** in regard to standard of proof?  
A. The standard of proof for a civil trial in inquisitorial jurisdiction is lower than that of the adversarial jurisdictions  
B. The standard of proof for a civil trial in adversarial jurisdiction is higher than that of the inquisitorial jurisdictions  
C. The standard of proof for a civil trial in inquisitorial and adversarial jurisdiction is the same  
D. None of the above (1 mark)

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**CERTIFIED FORENSIC FRAUD EXAMINER (CFFE)**

**MODULE ONE**

**OVERVIEW OF THE LEGAL AND JUSTICE SYSTEM**

**TUESDAY: 22 August 2023. Morning Paper.**

**Time Allowed: 3 hours.**

**Answer ALL questions by indicating the letter (A, B, C or D) that represents the correct answer. This paper is made up of one hundred (100) Multiple Choice Questions. Each question is allocated one (1) mark.**

1. Which of the following statements is **CORRECT** in regard to criminal prosecution?
  - A. A civil action is brought to court by the government
  - B. A civil action is brought to court by the parties to the litigation
  - C. A criminal prosecution is brought to court by the parties to the litigation
  - D. A criminal prosecution is brought to court by the government (1 mark)
  
2. Which of the following is **NOT** correct about tribunals in relation to judicial system?
  - A. Tribunals are subordinate courts within the judicial system
  - B. Tribunals are specialised quasi-judicial bodies
  - C. Tribunals are not governed by strict rules of evidence
  - D. Tribunals are governed by strict rules of evidence (1 mark)
  
3. Which of the following statements is **TRUE** in relation to burden of proof in common and civil law legal systems?
  - A. In adversarial jurisdictions, the burden of proof for criminal trials, rests with the party that brought the case to court
  - B. The adversarial jurisdictions the burden of proof for civil trials rests with the parties to the litigation
  - C. The burden of proof for a civil trial, in the civil law jurisdictions rests with the plaintiff
  - D. The burden of proof for a civil trial in the common law jurisdictions rests with the prosecution (1 mark)
  
4. Which of the following statements is **NOT** true under the United Nations' International Covenant on Civil and Political Rights (ICCPR) for those accused of crimes, in regard to presumption of innocence?
  - A. An accused person is presumed innocent only if there is no evidence to prove they committed a crime
  - B. An accused person is presumed innocent even when there is sufficient evidence to prove the accused individual committed the alleged crime
  - C. A person accused of a crime is not a criminal
  - D. A person accused of a crime must be proven guilty by a court of law if the prosecution presents evidence to prove the individual committed the alleged crime (1 mark)
  
5. Which of the following statements is **TRUE** in regard to fact finders in common law jurisdictions?
  - A. In adversarial jurisdictions, that use juries, only juries can be fact finders
  - B. In adversarial jurisdictions, that use juries, judges can also be fact finders
  - C. In adversarial jurisdictions, that use judges as fact finders, the juries cannot be fact finders
  - D. In adversarial jurisdictions that use juries, judges can only be fact finders in criminal cases (1 mark)
  
6. Which of the following statements is **TRUE** in reference to the standard of proof in a criminal trial in inquisitorial jurisdictions?
  - A. The standard of proof is beyond reasonable doubt
  - B. The standard of proof is balance of probability
  - C. The standard of proof Preponderance of evidence
  - D. None of the above (1 mark)

7. Adversarial jurisdictions conduct sworn testimony is given by a party or witness upon questioning by counsel for one of the parties. Which of the following describes this type of examination?
- Cross-examination
  - Oral /written examination
  - Direct examination
  - Re- examination
- (1 mark)
8. In most adversarial jurisdictions, which of the following documents is used as a charging document in serious criminal cases?
- Application
  - Information
  - Petition
  - Indictment
- (1 mark)
9. Which of the following statements is **TRUE** in regard to questioning of witnesses in adversarial jurisdictions?
- In adversarial jurisdictions, the defendant's advocate conducts the questioning
  - In adversarial jurisdictions, the judges conduct the questioning
  - In adversarial jurisdictions, the questioning is conducted by the prosecution only
  - None of the above
- (1 mark)
10. Which of the following statements is **NOT** true about prosecution bargaining agreement in adversarial jurisdictions?
- Bargaining agreements are more commonly used in adversarial jurisdictions
  - The prosecution has the discretion to enter into bargaining agreement with the criminal defendant
  - Bargaining agreements are used in both criminal and civil cases in the common legal system
  - Bargaining agreements are only used in criminal cases in adversarial jurisdictions
- (1 mark)
11. Which of the following is **TRUE** in regard to closing arguments in a criminal case in an adversarial jurisdiction?
- Closing arguments are additional evidence to strengthen each party to the legal proceedings case
  - Only the defence makes its closing points and try to convince the jury or judge to acquit
  - The closing points are made by both the prosecution and the defence to convince the judge or jury to convict and acquit respectively
  - None of the above
- (1 mark)
12. Which of the following statements is **NOT** true in regard to the burden of proof in civil law jurisdictions?
- In inquisitorial jurisdictions the party that brings the case to court has the burden of proof
  - In inquisitorial jurisdictions the presiding judge drives the discovery of evidence
  - In inquisitorial jurisdictions both the prosecution and the defence have strict burden of proof
  - None of the above
- (1 mark)
13. Which of the following statements is **NOT** true in regard to jurisdiction?
- Jurisdiction to hear a case is determined by where the claim arose
  - Jurisdiction to hear a case is determined by where the defendant resides
  - Venue is an element of Jurisdiction
  - None of the above
- (1 mark)
14. Which of the following statements is **TRUE** in regard to the sources of law in inquisitorial jurisdictions?
- Inquisitorial jurisdictions judges are bound by common law
  - Inquisitorial jurisdiction cannot use previous decisions to interpret the statutes
  - In inquisitorial jurisdiction the main source of law is the codified principles
  - None of the above
- (1 mark)
15. Which of the following statements is **NOT** true in regard to sources of law in inquisitorial jurisdictions in criminal trial, like fraud?
- In inquisitorial jurisdictions, judges can only apply codified principles in criminal cases
  - In civil law legal systems judges are not bound by the court precedent
  - Judges in civil law legal systems can use court precedent to interpret codified statutes
  - None of the above
- (1 mark)
16. Which of the following statements is **NOT** true in regard to alternative dispute resolution?
- Arbitration is always binding
  - Mediation is binding
  - Arbitration can be binding or non-binding.
  - None of the above
- (1 mark)

17. Which of the following statements is **NOT** true in regard to civil counterclaims?
- A. Civil counterclaims can run concurrently
  - B. A defendant in another civil trial can be a plaintiff in another civil trial
  - C. A plaintiff in another civil trial can be a defendant in another civil trial
  - D. None of the above
- (1 mark)
18. In civil law, which of the following statements is **CORRECT** in regard to juries?
- A. Inquisitorial jurisdictions that use juries as fact finders do not allow jury trial in civil suits
  - B. Inquisitorial jurisdictions allow jury trial in serious civil trials
  - C. Inquisitorial jurisdictions can allow jury trial in both serious criminal and civil trials
  - D. None of the above
- (1 mark)
19. Which of the following describes the process applied in the civil law to discover evidence?
- A. Oral discovery
  - B. Written discovery
  - C. Cross examination
  - D. None of the above
- (1 mark)
20. Which of the following laws in Kenya sets out rules and procedures to be followed in determining fraud in civil cases?
- A. Substantive law
  - B. Statutory law
  - C. Procedural law
  - D. None of the above
- (1 mark)
21. Which of the following laws in Kenya sets out rules and procedures to be followed in determining a bribery in criminal trials?
- A. Procedure law
  - B. Civil Procedure Act
  - C. Bribery Act
  - D. None of the above
- (1 mark)
22. Which of the following laws is **NOT** created by legislature?
- A. Common law
  - B. Statutory law
  - C. Procedural law
  - D. None of the above
- (1 mark)
23. Which of the following is a type of substantive law?
- A. Anti-Corruption and Economic Crimes Act
  - B. Criminal Procedure Act
  - C. Evidence Act
  - D. Civil Procedure Act
- (1 mark)
24. Which of the following is **NOT** a type of substantive law?
- A. Public Procurement and Assets Disposal Act
  - B. Criminal Procedure Act
  - C. Penal Code
  - D. Bribery Act, 2016
- (1 mark)
25. Which of the following statements is **NOT** true about international laws?
- A. International law is a body of law created by legislatures and observed by nations
  - B. International laws define the nations legal responsibilities for their conduct when dealing with each other
  - C. International law is primarily enforced through diplomacy
  - D. None of the above
- (1 mark)
26. Which of the following statements is **NOT** true about the discovery of evidence process in criminal proceedings in adversarial jurisdiction?
- A. The discovery process occurs in the pre-trial phase of the litigation process
  - B. The parties to the litigation can request limited information from each other during the pretrial stage
  - C. The parties to the litigation drive the discovery of evidence
  - D. The parties to the litigation are entitled to full evidentiary record
- (1 mark)

27. In adversarial jurisdictions, which of the following statements is **NOT** true with regard to standard of proof in civil fraud trials
- A. The standard of proof in fraud civil trials in adversarial jurisdictions is higher than civil trials in inquisitorial jurisdictions
  - B. The standard of proof in fraud civil trials in adversarial jurisdictions is balance of probability
  - C. The standard of proof in fraud civil trials in adversarial jurisdictions is lower than in criminal trials
  - D. None of the above (1 mark)
28. Which of the following **BEST** describes the type of remedy a plaintiff, would be seeking when they have already been awarded damages in a civil suit
- A. Injunction
  - B. Damages
  - C. Declaratory remedy
  - D. None of the above (1 mark)
29. Which of the following statements **BEST** describes the civil litigation process in the adversarial jurisdictions?
- A. The defendant presents the evidence first
  - B. The presiding judge presents the evidence first
  - C. The prosecutor presents the evidence first
  - D. None of the above (1 mark)
30. Which of the following statements **BEST** describes the civil litigation process in the inquisitorial jurisdictions?
- A. The plaintiff presents the evidence first
  - B. The defendant presents the evidence first
  - C. The trial judge presents the evidence first
  - D. None of the above (1 mark)
31. Which of the following statements is **INACCURATE** in regard to criminal trial process in the common law jurisdictions?
- A. The criminal defendant presents their defence after the prosecution
  - B. The prosecution presents their evidence first
  - C. The parties to the litigation present their evidence during trial
  - D. None of the above (1 mark)
32. Which of the following statements is **NOT** correct as to why an organisation may choose to pursue fraudulent or corrupt activities against them by use of civil legal justice?
- A. An organisation may choose to follow civil legal justice system to avoid negative publicity
  - B. An organisation may choose to follow civil legal justice system because the standard of proof for criminal cases including fraud and corruption is very high
  - C. An organisation may choose to follow civil legal justice system if their main objective is to recover losses
  - D. None of the above (1 mark)
33. Which of the following statements is **ACCURATE** in regard to sources of law in the adversarial jurisdictions for fraud and corruption cases?
- A. The primary source of law in the adversarial jurisdictions for fraud and corruption cases is the case law
  - B. The primary source of law in the adversarial jurisdictions for fraud and corruption cases is the common law
  - C. The primary source of law in the adversarial jurisdictions for fraud and corruption cases is the codified principles
  - D. None of the above (1 mark)
34. Which of the following statements is **INACCURATE** with regard to action for fraud cases?
- A. Fraud being a criminal offence, cannot be determined through mediation and arbitration
  - B. Fraud is a criminal offence, but can be determined through civil legal justice
  - C. Fraud is a criminal offence, but can be determined through administrative justice
  - D. None of the above (1 mark)
35. Which of the following body of law is **NOT** related to fraud and corruption?
- A. Statutory law
  - B. Substantive law
  - C. Administrative law
  - D. Common law (1 mark)

36. Which of the following is **NOT** a type of procedural law?  
A. Criminal procedure Act  
B. Proceeds of crime and Anti- money laundering Act  
C. Civil procedure Act  
D. Evidence Act (1 mark)
37. Which of the following statements is **ACCURATE** in regard to the choice of law in international fraud cases?  
A. The courts will not consider the nationality of the parties to the litigation  
B. The courts will consider the jurisdiction in which the claim arose  
C. The courts will not consider the current physical address of the parties in litigation  
D. None of the above (1 mark)
38. Which of the following statements is **ACCURATE** with regard to the pre-trial process in adversarial jurisdictions in a criminal trial?  
A. The Parties to the litigation are entitled to all the information and evidence to be used by the opposing side during trial  
B. Only the defence is allowed to discover evidence to be used by the prosecution  
C. Only the prosecution is allowed to discover evidence to be used by the defence  
D. The Parties to the litigation are entitled to discover any exhibits that will be used by the opposition during trial (1 mark)
39. Which of the following **BEST** describes the body of law that provides remedies for violation of individual private rights?  
A. Civil law  
B. Procedural law  
C. Constitutional law  
D. None of the above (1 mark)
40. Law can be categorised as either substantive or procedural law. The law of evidence is categorised as \_\_\_\_\_  
A. The law of evidence is categorised as a public law  
B. The law of evidence is categorised as procedural law  
C. The law of evidence is categorised as a substantive law  
D. None of the above (1 mark)
41. In inquisitorial jurisdictions, which party is responsible for gathering evidence?  
A. The trial judges  
B. The parties' attorneys  
C. The court  
D. None of the above (1 mark)
42. Which of the following legal defenses **BEST** describes an appropriate defendant's defence when a law enforcement officer or official induces someone to commit a crime he is not disposed to commit?  
A. Alibi  
B. Legal Impossibility  
C. Lack of jurisdiction  
D. None of the above (1 mark)
43. Under the United Nations International Covenant on Civil and Political Rights for persons accused of a crime (ICCPR), which of the following is **NOT** one of the rights?  
A. Presumption of innocence  
B. Right to appeal  
C. Right to examine  
D. None of the above (1 mark)
44. Which of the following statements is **CORRECT** in regard to discovery of evidence in civil cases in Kenya jurisdictions?  
A. The discovery occurs in Examination phase  
B. The discovery occurs in investigation phase  
C. The discovery occurs during Pre- trial phase  
D. None of the above (1 mark)



45. Which of the following is **ACCURATE** in regard to the discovery of evidence in criminal trials in the inquisitorial jurisdictions?
- A. The discovery of evidence is driven by the trial judge
  - B. The discovery of evidence is conducted during pre-trial
  - C. The discovery of evidence is driven by the parties to the litigation
  - D. None of the above
- (1 mark)
46. In adversarial jurisdictions, which of the following statements **BEST** describes the duty to preserve documents that are relevant to the facts in issue?
- A. The duty to preserve the documents starts when the court proceedings commence
  - B. The duty to preserve the documents starts during pre-trial proceedings
  - C. The duty to preserve the documents starts when litigation is anticipated
  - D. The duty to preserve the documents starts when litigation is reasonably anticipated
- (1 mark)
47. In the civil law jurisdiction, which of the following parties has the responsibility for preserving evidence?
- A. The trial judge has the responsibility to advise when and which documents should be preserved
  - B. Parties to the litigation have the responsibility to decide when to preserve evidence
  - C. The presiding judge has the responsibility to decide when to preserve documents relevant to the facts in issue
  - D. None of the above
- (1 mark)
48. Which of the following statements is **ACCURATE** in regard to arbitration and fraud cases?
- A. Fraud cases can also be resolved through arbitration but the arbitrator's decision is not binding
  - B. Fraud cases cannot be resolved through arbitration because fraud is a criminal offence
  - C. Fraud cases can also be resolved through arbitration and the arbitrator's decision shall be binding, if the parties had agreed that they would resolve their disputes through arbitration and the arbitrator's decision shall be binding
  - D. All the above
- (1 mark)
49. Which of the following is **TRUE** in regard to Court of Appeal in the adversarial jurisdictions?
- A. The Court of Appeal can overturn a lower court decision, and make new determination of the facts in issue
  - B. The Court of Appeal can overturn a lower court decision, and start a fresh trial
  - C. The Court of Appeal can overturn a lower court decision, make new determination and review the law
  - D. None of the above
- (1 mark)
50. Which of the following is an example of damages remedy in a fraud in a civil suit in the common law jurisdictions?
- A. Compensation for damages caused by the defendant
  - B. A court order to perform or to refrain from an action
  - C. A court interprets a will, contract or ownership of property
  - D. None of the above
- (1 mark)
51. The second phase of a litigation process featured in most inquisitorial jurisdictions is referred to as \_\_\_\_\_.
- A. The Pre-trial phase
  - B. The trial
  - C. Examination phase
  - D. None of the above
- (1 mark)
52. Which of the following statements is **TRUE** about civil appellate court in Kenya jurisdiction?
- A. The civil appellate court can obtain more expert opinions
  - B. The civil appellate court cannot obtain more documentary evidence
  - C. The civil appellate court can obtain more witnesses testimony
  - D. None of the above
- (1 mark)
53. Which of the following statements is **TRUE** in regard to burden of proof in criminal trials in inquisitorial jurisdictions?
- A. Only the prosecution has the burden of proof
  - B. Only the defence has the burden of proof
  - C. Both the parties to litigation have strict burden of proof
  - D. None of the above
- (1 mark)
54. Which of the following statements is **INACCURATE** in regard to the advocate's role in criminal fraud litigation proceeding in Kenya jurisdiction?
- A. The advocates obtain documentary evidence from each other during investigation phase
  - B. The defence advocate will conduct a cross-examination of the prosecution witnesses
  - C. The prosecution counsel conducts examination in-chief and re-examination of the prosecution witness
  - D. None of the above
- (1 mark)

55. Which of the following statements is **ACCURATE** in regard to a court of appeal in the adversarial jurisdictions?
- A. In adversarial jurisdictions the appellate court can reverse a factual finding of a lower court if there is an obvious mistake, and refer the case to the high court
  - B. In adversarial jurisdictions the court of appeal can review both issues of evidence and law
  - C. In adversarial jurisdictions the appellate court cannot overturn the findings of lower court
  - D. None of the above
- (1 mark)
56. Which of the following statements is **NOT** true in regard to the court of appeal in civil law jurisdictions?
- A. In the civil law legal system, the appellate court can reverse determination of fact by a lower court and make fresh determinations
  - B. In the civil law legal system, the appellate court can review both issues of facts and law
  - C. In civil law jurisdictions, there are exceptional cases where the appellate court cannot review both issues of facts and law
  - D. None of the above
- (1 mark)
57. Which of the following is **ACCURATE** in regard to evidence in the adversarial jurisdictions?
- A. Generally, adversarial jurisdictions favor documentary evidence
  - B. In common legal systems, the prosecutor should serve the defendant with exculpatory evidence only
  - C. In common legal systems, the prosecutor should serve the defendant with inculpatory evidence only
  - D. In common legal systems, the prosecutor should serve the defendant with both inculpatory and exculpatory evidence
- (1 mark)
58. Which of the following is a type of legal remedy in a civil case?
- A. Penalties
  - B. Fines
  - C. Incarceration
  - D. None of the above
- (1 mark)
59. Which of the following statements is **NOT** accurate in regard to the recovery of losses caused by dishonest employees?
- A. An organisation should refer the matter to the police to recover losses caused by employees through fraud and corruption
  - B. The organisation should file a civil litigation to seek for damages remedy
  - C. The organisation can use arbitration to recover employee's fraud losses
  - D. The organisation can recover the losses
- (1 mark)
60. Which of the following statements in regard to civil trials in adversarial jurisdictions is **NOT** accurate in regard to litigation process?
- A. Only the plaintiff has the duty to preserve evidence relevant to the litigation
  - B. Parties to the litigation can make a request for the other party to turn over a specific document which is relevant to the facts in issue
  - C. Any party to the litigation can be questioned by the other party through a written examination
  - D. None of the above
- (1 mark)
61. Which of the following statements is **NOT** accurate in regard to criminal proceedings in civil law jurisdictions?
- A. The Juries panel is composed of lay and professional judges
  - B. The litigants are not allowed peremptory challenge
  - C. The litigants are allowed to challenge jurors for a just cause
  - D. Juries are used in serious criminal cases
- (1 mark)
62. In reference to criminal proceedings in common law jurisdictions, which of the following is **CORRECT** in regard to discovery of evidence during judicial process?
- A. The prosecution has more rights than the defence in discovery of evidence
  - B. The defendant has more right than defence in discovery of evidence
  - C. Both the prosecution and defence have the right to attorney work product of the opposing party
  - D. None of the above
- (1 mark)
63. In a criminal fraud case where intent is an element of crime, which of the following is a proper defense?
- A. Ignorance of the law
  - B. Alibi
  - C. Legal impossibility
  - D. None of the above
- (1 mark)

64. Which of the following **BEST** describes a liability where the corporate has absolute liability for the misconduct of another party committed in the course of their duties on behalf of the corporate in corporate criminal liability?
- A. Strict liability
  - B. Corporate liability
  - C. Criminal liability
  - D. None of the above
- (1 mark)
65. In a jurisdiction that recognises the United Nations International Covenant on Civil and Political Rights (ICCPR), which of the following **BEST** describes exemption of a search warrant for a law enforcement officer to conduct a seizure or arrest?
- A. When the offence occurs in the presence of a police officer
  - B. Arresting a suspect in his own home
  - C. Arresting a suspect in a social gathering
  - D. None of the above
- (1 mark)
66. Gladys is the Chief Executive Officer of ABC Company. Gladys has admitted to the investigator that the financial statements were materially misstated. Which of the following should the investigator make sure is included in Gladys's statement?
- A. That the misrepresentation was unintentional
  - B. That the misrepresentation was due to lack of expertise in financial reporting
  - C. That Gladys was unaware of the misrepresentation since the statements were prepared by the accountants
  - D. None of the above
- (1 mark)
67. Which of the following statements **BEST** describes a custodial arrest?
- A. A custodial arrest occurs when the suspect is arrested by the law enforcement officer
  - B. A custodial arrest occurs when a suspect is informed by the law enforcement that he is not free to leave
  - C. A custodial arrest when the suspect is booked into a police station
  - D. None of the above
- (1 mark)
68. Which of the following statements is **NOT** accurate in regard to the company's vicarious liability?
- A. An organisation can be vicariously liable for offences committed by employees in the course of their employment
  - B. An organisation cannot be vicariously liable for offences committed by independent contractors while working on their behalf.
  - C. If the organisation was not aware of the employee's misconduct the company will still be vicariously liable.
  - D. None of the above
- (1 mark)
69. In most adversarial jurisdictions, which of the following means charging document for serious criminal cases?
- A. An affidavit
  - B. An information
  - C. A petition
  - D. None of the above
- (1 mark)
70. Which of the following statements is **ACCURATE** in regard to jury's verdict in criminal trial in the adversarial jurisdiction?
- A. The jury's verdict must be unanimous in serious criminal cases only
  - B. The jury's verdict does not have to be unanimous
  - C. The jury's verdict will go by the majority
  - D. None of the above
- (1 mark)
71. In relation to The United Nations International Covenant on Civil and Political Rights (ICCPR), which of the following is **NOT** true about fair hearing of those accused of crime?
- A. Right to time to prepare for trial
  - B. Right to be informed of the charges
  - C. Right to have translator for free
  - D. None of the above
- (1 mark)
72. Which of the following is **NOT** an example of pretrial motion in adversarial jurisdictions?
- A. Motion for summary judgment
  - B. Motion of change of venue
  - C. Motion of inadmissibility of evidence
  - D. None of the above
- (1 mark)

73. Which of the following **BEST** describes the pretrial discovery process in civil cases?
- A. Re examination
  - B. Pre-trial conference
  - C. Written examination
  - D. All the above
- (1 mark)
74. Fraud Examiners and forensic auditors should have good knowledge of law, **EXCEPT**?
- A. Procedural laws related to civil and criminal procedure
  - B. The substantive laws related to fraud and corruption
  - C. The rule of evidence
  - D. None of the above
- (1 mark)
75. Which of the following statements is **INACCURATE** in regard to domestic judgments against a foreign defendant?
- A. The domestic judgement can also enforce seizure of the defendant's assets located in foreign jurisdiction through diplomacy
  - B. The domestic judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction whose internal laws recognise the judgement
  - C. The judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction that has a treaty with the domestic for the enforcement of judgements
  - D. None of the above
- (1 mark)
76. The evidentiary record is usually created at what phase of the trial process in civil law jurisdictions?
- A. During the investigation phase
  - B. At the pre-trial stage
  - C. During trial
  - D. None of the above
- (1 mark)
77. In civil proceeding in the common law jurisdiction, which of the following is **NOT** correct in regard to litigation privileges?
- A. Litigation privileges protect information provided by a client to an attorney in order to seek legal advice
  - B. Litigation privileges protect information provided to third party consulting expert
  - C. Litigation privileges protect communication or documents prepared in anticipation for litigation
  - D. None of the above
- (1 mark)
78. Which of the following statements is **INACCURATE** in regard to cross examination of witnesses in common jurisdictions in your country?
- A. In most adversarial jurisdictions, the accused has the right to cross examine any witness called by the prosecution
  - B. In most adversarial jurisdictions, the primary expert is appointed by the court
  - C. In most adversarial jurisdictions, the witnesses are appointed by the parties to the litigation
  - D. None of the above
- (1 mark)
79. Which of the following statements is **ACCURATE** in regard to witnesses in the civil legal systems?
- A. The accused can cross examine the primary witness
  - B. The accused has the right to question the court appointed witness
  - C. The court appoints witnesses for the parties to the litigation
  - D. None of the above
- (1 mark)
80. Which of the following statements is **NOT** accurate in regard to deferred prosecution agreement?
- A. Deferred prosecution agreement is an efficient method of handling corporate misconduct
  - B. Deferred prosecution agreement helps in mitigating the risk of illegal practices
  - C. Deferred prosecution agreement encourages corporate misconduct
  - D. None of the above
- (1 mark)
81. Which of the following statements is **NOT** correct in regard to administrative laws and legal proceedings?
- A. Administrative proceedings are governed by procedural law
  - B. Administrative proceedings are not governed by the rules of evidence
  - C. Administrative laws are type of Procedural law
  - D. None of the above
- (1 mark)

82. Which of the following statements is **NOT** accurate in regard to sources of law for fraud and corruption trials?
- A. The main source of law in Kenya jurisdiction for civil and criminal trials is the statutory law
  - B. Kenya jurisdiction heavily applies common law in criminal cases
  - C. Kenya jurisdiction heavily applies substantive law in criminal cases
  - D. None of the above
- (1 mark)
83. Which one of the following statements is **CORRECT** with regard to standard of proof in civil and common law jurisdictions?
- A. The standard of proof for criminal trials in inquisitorial jurisdiction is higher than the standard of proof for civil trials
  - B. The standard of proof for civil trials in the inquisitorial jurisdiction is lower than the standard of proof for civil trials in Kenya jurisdiction
  - C. The standard of proof for a criminal trial in the civil law jurisdiction is higher than the standard of proof in criminal trial in the Kenya Jurisdiction
  - D. None of the above
- (1 mark)
84. Which of the following statements is **NOT** true in regard to closing arguments in criminal trials in adversarial jurisdictions?
- A. Closing arguments are additional evidence introduced by the prosecution and the defense to strengthen their side of the case
  - B. Closing arguments are a summary of the defence's evidence and the basis of their arguments to convict the accused
  - C. Closing arguments are a summary of the prosecution's evidence and the basis of their arguments to acquit the accused
  - D. None of the above
- (1 mark)
85. Which of the following statements is **INACCURATE** in regard to duty to preserve evidence in the adversarial jurisdictions?
- A. Unintentionally deleting documents relevant to a civil litigation will not raise sanction for obstruction of justice
  - B. Failure to stop destruction of both electronic data and physical documents relevant to a civil litigation will raise sanction for failure to preserve evidence
  - C. Unintentionally deleting documents relevant to a civil litigation will not raise sanction for failure to preserve evidence
  - D. Unintentionally deleting documents relevant to a civil litigation would be an additional offence of obstruction of justice
- (1 mark)
86. Which of the following statements is **NOT** accurate in regard to judges and fact finding in criminal trials in the adversarial jurisdictions?
- A. In common law jurisdictions, a judge does not always serve as the fact-finder in a criminal trial
  - B. In common law jurisdictions, where juries are used as fact finders, judges are not commonly used as fact finders
  - C. In common law jurisdictions, where juries are used as fact finders, juries are commonly used as fact finders
  - D. None of the above
- (1 mark)
87. If a person engages in abuse of office, the law that the individual has violated is in which type of body of law?
- A. Case law
  - B. Substantive law
  - C. Common law
  - D. Procedural law
- (1 mark)
88. Prince is a suspect in an ongoing civil investigation in an adversarial jurisdiction. He shreds original documents that are relevant to the facts in issue. Which of the following statements is **TRUE** in regard to preservation of evidence?
- A. Prince did not violate his duty to preserve relevant information because no litigation had commenced when he shredded the documents
  - B. Prince did not violate his duty to preserve relevant information because the documents were due for destruction.
  - C. Prince did not violate his duty to preserve relevant information because the court had not requested for preservation of the documents.
  - D. None of the above
- (1 mark)

89. Which of the following is **NOT** one of the three stages of a civil litigation in common law jurisdictions?  
 A. Trial phase  
 B. The investigation phases  
 C. The pre-trial phase  
 D. None of the above (1 mark)
90. Which of the following statements is **NOT** accurate in regard to criminal discovery process in adversarial jurisdictions?  
 A. The parties to the proceedings do not have right to discover all the materials to be used in court against them by the opposing side  
 B. The parties to the litigation have right to discover business documents that would be introduced as evidence in a court of law  
 C. The parties to the proceedings have no right to the expert consultant's report prepared for the attorney  
 D. None of the above (1 mark)
91. Which of the following statements is **NOT** accurate in regard to judges and juries in the civil legal systems?  
 A. Inquisitorial judicial process use juries as fact-finders in serious criminal cases  
 B. Inquisitorial judicial process use juries as fact-finders in serious civil suits  
 C. Inquisitorial judicial process uses judges as fact-finders  
 D. None of the above (1 mark)
92. In the adversarial jurisdictions, what type of challenge occurs when a defendant in a criminal trial refuses trial by a panel of juries for no cause?  
 A. Challenge for a cause  
 B. Peremptory challenge  
 C. Jury challenge  
 D. None of the above (1 mark)
93. In adversarial jurisdictions, which of the following parties to the litigation may have access to the full evidentiary record before trial in a criminal proceeding?  
 A. Both the prosecution and defence  
 B. The prosecution  
 C. The defence  
 D. None of the above (1 mark)
94. Which of the following statements is **TRUE** in regard to judges and juries in inquisitorial jurisdiction?  
 A. Inquisitorial judicial process only uses juries as fact-finders.  
 B. Inquisitorial judicial process only uses judges as fact finders  
 C. Inquisitorial jurisdiction uses both juries and judges as fact finders  
 D. None of the above (1 mark)
95. Which of the following statements is **NOT** accurate in regard to prosecution discretion?  
 A. Kenya Directorate of Public Prosecution has total prosecutorial discretion  
 B. Prosecutorial discretion is generally based on whether there is sufficient evidence to prosecute  
 C. Kenya Directorate of Public Prosecution review investigation files and determine if there is sufficient evidence to prosecute  
 D. None of the above (1 mark)
96. Which of the following statements is **NOT** accurate in regard to judges and juries in the adversarial jurisdiction?  
 A. Adversarial judicial process use juries as fact-finder only in criminal cases  
 B. Adversarial judicial process use juries as fact-finders in civil suits  
 C. Adversarial judicial process uses judges as fact-finders.  
 D. None of the above (1 mark)
97. Which of the following statements is **ACCURATE** under- The United Nations' International Convention on Civil and Political Rights (ICCPR)?  
 A. ICCPR does not commit countries that have signed and ratified the ICCPR to observe rights of those accused of crime  
 B. Part III includes the rights of those accused of crimes and civil wrongs  
 C. It states that the results of criminal hearings should not be published to protect confidentiality in the criminal justice system  
 D. None of the above (1 mark)

98. Rogers is a suspect in an ongoing civil investigation in inquisitorial jurisdiction. He shreds original documents due for destruction that are relevant to the facts in issue. Which of the following statements is **ACCURATE** in regard to preservation of evidence?
- A. Rogers likely violated his duty to preserve relevant information because he destroyed evidence when litigation was reasonably anticipated
  - B. Rogers violated his duty to preserve relevant information because he had a responsibility as a party to the litigation
  - C. Rogers violated his duty to preserve relevant information even if documents were due for destruction.
  - D. None of the above (1 mark)
99. Which of the following is **NOT** a type of substantive law related to fraud and corruption?
- A. Bribery Act
  - B. Proceeds of crime and Anti- money laundering
  - C. Penal code
  - D. Evidence Act (1 mark)
100. Which of the following statements is **NOT** accurate in regard to an appeal process in criminal cases?
- A. In most jurisdictions, an appellate court will reverse a conviction only if it finds an error that likely affected the trial's outcome and denied the defendant a fair trial.
  - B. Appellate courts will generally only accept an appeal if the petition has been filed in a timely manner following the prior court's judgment.
  - C. In most jurisdictions, a convicted defendant has the right to appeal their conviction and sentence.
  - D. None of the above (1 mark)

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**CERTIFIED FORENSIC FRAUD EXAMINER (CFFE)**

**MODULE ONE**

**OVERVIEW OF THE LEGAL AND JUSTICE SYSTEM**

**TUESDAY: 25 April 2023. Morning Paper.**

**Time Allowed: 3 hours.**

**Answer ALL questions by indicating the letter (A, B, C or D) that represents the correct answer. This paper is made up of one hundred (100) Multiple Choice Questions. Each question is allocated one (1) mark.**

1. Fraud can be prosecuted as a civil or criminal case. Which of the following is **NOT** a reason why a fraud victim may decide to take civil action?
  - A. A fraud victim may decide to take civil action to fast track recovery through damages remedy
  - B. A fraud victim may decide to take civil action to avoid negative publicity
  - C. A fraud victim may decide to take civil action because of high burden of proof for a criminal case
  - D. None of the above
  
2. Which of the following statements is **ACCURATE** in relation to burden and standard of proof in common and civil law legal systems?
  - A. In the common law legal system, the burden of proof for criminal trials, rests with the parties to the litigation
  - B. The standard of proof for civil trials in both the common and civil legal system is inner conviction of the judge and preponderance of evidence respectively
  - C. The burden of proof for a civil suit, in the common law jurisdictions rests with the parties to the litigation
  - D. The burden of proof for a civil suit in the common law jurisdictions rests with the plaintiff
  
3. Which of the following statement is **ACCURATE** under the United Nations' International Covenant on Civil and Political Rights (ICCPR) for those accused of crimes, in regard to presumption of innocence until proven guilty?
  - A. An accused person is presumed innocent until sufficient evidence is collected to prove the accused committed the crime
  - B. An accused person is presumed innocent even when there is sufficient evidence to prove the accused individual committed the alleged crime
  - C. A person accused of a crime is presumed a criminal
  - D. A person accused of a crime must be proven guilty by a court of law if the prosecution present evidence to prove the individual committed the alleged crime
  
4. Which of the following statement is **CORRECT** in regard to fact finders in common law jurisdictions?
  - A. In the common law jurisdictions, that use juries, judges cannot be fact finders
  - B. In adversarial jurisdictions, that use juries, judges can be fact finders
  - C. In adversarial jurisdictions, that use juries, the juries must be the fact finders
  - D. In adversarial jurisdictions, judges can only be fact finders in serious criminal cases
  
5. Which of the following is **CORRECT** in regard to the standard of proof in a civil trial in adversarial jurisdictions?
  - A. Beyond reasonable doubt
  - B. Inner conviction of the judge
  - C. Preponderance of evidence
  - D. None of the above



6. Inquisitorial jurisdictions conduct sworn testimony given by a party or witness upon questioning by counsel for one of the parties. Which of the following **BEST** describes the type of testimony?
- Cross-examination
  - Oral examination
  - Direct examination
  - None of the above
7. In most civil law jurisdictions, which of the following is one of the documents used as a charging document in criminal cases?
- Affidavits
  - Indictment or petition
  - Information
  - None of the above
8. Which of the following statement is **CORRECT** in regard to questioning of witnesses in the inquisitorial and adversarial jurisdictions?
- In adversarial jurisdictions, the parties' advocates conduct the questioning
  - In inquisitorial jurisdictions, the parties' advocates conduct the questioning
  - In both adversarial and inquisitorial jurisdictions, the parties' advocates conduct the questioning
  - In both adversarial and inquisitorial jurisdictions, the judge conducts the questioning
9. Which of the following statements is **ACCURATE** about prosecution bargaining agreement in inquisitorial and adversarial jurisdiction?
- Bargaining agreements are more commonly used in criminal cases only in adversarial jurisdictions
  - Bargaining agreements are more commonly used in criminal cases only in inquisitorial jurisdictions
  - Bargaining agreements are used in both criminal and civil cases in adversarial and inquisitorial jurisdictions
  - Bargaining agreements are only used in criminal cases in both adversarial and inquisitorial jurisdictions
10. Which of the following is **ACCURATE** in regard to closing arguments in a criminal case in an adversarial jurisdiction?
- Only the prosecution makes its closing points and try to convince the jury or judge to convict
  - Only the defence makes its closing points and try to convince the jury or judge to convict
  - The closing points are made by the trial judge as part of his/her judgement
  - None of the above
11. Which of the following is **NOT** correct in regard to the burden of proof in inquisitorial jurisdictions?
- In inquisitorial jurisdictions neither party has strict burden of proof
  - In inquisitorial jurisdictions the presiding judge has the responsibility to look for evidence for both parties to the proceedings
  - In inquisitorial jurisdictions the prosecution has the burden of proof
  - All the above
12. Which of the following is statement is **ACCURATE** in regard to administrative law?
- Administrative proceedings are governed by procedural law
  - Administrative law is a type of both substantive and procedural law
  - Administrative law is a type of procedural law
  - Procedural law does not govern administrative proceedings
13. Which of the following statement is **NOT** accurate in regard to jurisdiction to hear a certain case?
- Jurisdiction to hear and determine a case is based on where the offence occurred
  - Jurisdiction to hear and determine a case is based on where the defendant resides
  - Jurisdiction to hear and determine a case is based on where the plaintiff resides
  - All the above
14. Which of the following statements is **NOT** accurate in regard to the sources of law in inquisitorial jurisdictions?
- Inquisitorial jurisdictions judges are bound by codified statutes or compiled statutes
  - Inquisitorial jurisdiction can use previous decisions to interpret the statutes
  - Inquisitorial jurisdiction has two sources of law, case law and codified principles
  - None of the above

15. Which of the following statements is **NOT** accurate in regard to sources of law in civil law legal systems in criminal offences like fraud and corruption?
- A. In inquisitorial jurisdictions, judges can only apply codified principles in criminal cases
  - B. In civil law legal systems judges are not bound by the court precedent
  - C. Judges in civil law legal systems can use court precedent to interpret codified statutes
  - D. None of the above
16. Which of the following statement is **CORRECT** about alternative dispute resolution?
- A. Arbitration is always binding
  - B. Mediation is non-binding
  - C. Arbitration is non-binding.
  - D. None of the above
17. Which of the following statement is **NOT** accurate in regard to civil countersuits?
- A. A plaintiff in another civil trial cannot be a defendant in another suit
  - B. A defendant in another civil trial can be a plaintiff in another civil trial
  - C. A plaintiff in another civil trial can be a defendant in another civil trial
  - D. None of the above
18. In the civil law legal system, which of the following statement is **ACCURATE** in regard to juries?
- A. Inquisitorial jurisdictions do not allow jury challenge
  - B. Inquisitorial jurisdictions can only allow jury challenge for a just reason
  - C. Inquisitorial jurisdictions can allow jury peremptory challenge
  - D. None of the above is accurate
19. There are two major legal systems in the world, and any country will be in either the common or civil law. Which of the following **BEST** describe the processes the civil and common law legal system use to discover evidence?
- A. Oral discovery
  - B. Written discovery
  - C. Inquisitorial and adversarial respectively
  - D. Adversarial and inquisitorial respectively
20. Which of the following Kenyan law sets the rules and procedures to be followed to determine civil cases?
- A. Substantive law
  - B. Civil Procedure Act
  - C. Procedural law
  - D. Case law
21. Which of the following Kenyan law sets the rules and procedures to be followed to determine criminal trials?
- A. Evidence Act
  - B. Civil Procedure Act
  - C. Criminal Procedure Act
  - D. Common law
22. Which of the following law is **NOT** created by legislature?
- A. Administrative law
  - B. Statutory law
  - C. Procedural law
  - D. None of the above
23. Which of the following is a type of procedural law?
- A. Administrative law
  - B. Statutory law
  - C. Evidence Act
  - D. None of the above
24. Which of the following is **NOT** a type of substantive law?
- A. Case law
  - B. Statutory law
  - C. Penal Code
  - D. None of the above

25. Which of the following statement is **NOT** accurate regard to international laws?
- A. International law is a body of law created by international legislatures and observed by nations
  - B. International laws define the nations legal responsibilities for their conduct when dealing with each other
  - C. International law is primarily enforced through diplomacy
  - D. None of the above
26. Which of the following statements is **NOT** accurate about the discovery of evidence process in criminal proceedings in adversarial jurisdiction?
- A. Most of the discovery process occurs in the trial phase of the litigation process
  - B. The parties to the litigation request limited information from each other during the pretrial stage
  - C. The parties to the litigation drive the discovery of evidence
  - D. None of the above
27. In adversarial jurisdictions, which of the following statement is **NOT** accurate in regard to civil trials evidence
- A. The standard of proof for civil trials in adversarial jurisdictions is preponderance of evidence
  - B. Adversarial jurisdictions favor testimonial evidence
  - C. In adversarial jurisdictions, the evidentiary record is available at the outset of the trial
  - D. None of the above
28. Which of the following **BEST** describe the type of remedy a plaintiff, would be seeking when they have already been awarded damages in a civil suit
- A. Injunction
  - B. Damages
  - C. Equitable remedy
  - D. Declaratory remedy
29. Which of the following statement **BEST** describe the civil litigation process in the adversarial jurisdictions?
- A. The plaintiff presents the evidence first
  - B. The defendant presents the evidence first
  - C. The presiding judge presents the evidence first
  - D. The prosecutor presents the evidence first
30. Which of the following statement **BEST** describe the civil litigation process in the inquisitorial jurisdictions?
- A. The plaintiff presents the evidence first
  - B. The defendant presents the evidence first
  - C. The presiding judge presents the evidence in court for both sides
  - D. The prosecutor presents the evidence first
31. Which of the following statement **BEST** describe the criminal trial process in the adversarial jurisdictions?
- A. The criminal defendant presents the evidence first
  - B. The prosecution presents the evidence first
  - C. The presiding judge presents the evidence first
  - D. The victim's counsel presents the evidence first
32. Which of the following is **NOT** a good reason why some organisations may not prefer using criminal justice system for fraudulent or corrupt activities against them?
- A. An organisation may prefer not to follow criminal justice system if the fraud or corruption is immaterial
  - B. An organisation may not prefer to follow criminal justice system to avoid negative publicity
  - C. An organisation may not prefer to follow criminal justice system because the standard of proof for criminal cases including corruption is very high
  - D. An organisation may not prefer to follow criminal justice system if their main objective is to recover losses through other justice systems
33. Which of the following statements is **ACCURATE** in regard to sources of law in the adversarial jurisdictions for fraud and corruption cases?
- A. The primary source of law in the adversarial jurisdictions for fraud and corruption cases is the statutes
  - B. The primary source of law in the adversarial jurisdictions for fraud and corruption cases is the case law
  - C. The primary source of law in the adversarial jurisdictions for fraud and corruption cases is the common law
  - D. The primary source of law in the adversarial jurisdictions for fraud and corruption cases is the codified principles

34. Which of the following statements is **ACCURATE** in regard to a civil action for fraud cases?
- A. Fraud being a criminal offence, cannot be determined through alternative dispute resolution
  - B. Fraud being a criminal offence, cannot be determined through civil legal justice
  - C. Fraud being a criminal offence, cannot be determined through administrative justice
  - D. Fraud is a criminal offence but, can be determined through three forms of justice, criminal, civil and administrative
35. Which of the following body of law is **NOT** related to fraud and corruption?
- A. Statutory law
  - B. Substantive law
  - C. Administrative law
  - D. None of the above
36. Which of the following is **NOT** a type of procedural law?
- A. Criminal procedure Act
  - B. Bribery Act, 2016
  - C. Civil procedure Act
  - D. Evidence Act
37. Which of the following statements **ACCURATE** in regard to the choice of law in international fraud cases?
- A. The courts will not consider the nationality of the parties to the litigation
  - B. The courts will not consider the jurisdiction in which the claim arose
  - C. The courts will consider the current physical address of the parties in litigation
  - D. All of the above
38. Which of the following statement is **ACCURATE** in regard to the pre-trial process in adversarial jurisdictions in a criminal trial?
- A. The parties to the litigation are entitled to all the information and evidence to be used by the opposition during trial
  - B. Only the defence is allowed to discover evidence to be used by the prosecution
  - C. Only the prosecution is allowed to discover evidence to be used by the defence
  - D. The parties to the litigation are not entitled to discover any exhibits that will be used by the opposition during trial
39. Which of the following **BEST** describes the body of law that provides remedies for violation of individual private rights?
- A. Civil law
  - B. Procedural law
  - C. Constitutional law
  - D. None of the above
40. Basically law can be categorised as either substantive or procedural law. Which of the following statement is **ACCURATE** in regard to the law of evidence?
- A. The law of evidence is categorised as a public law
  - B. The law of evidence is categorised as substantive law
  - C. The law of evidence is categorised as a criminal law
  - D. None of the above
41. In the inquisitorial jurisdictions which party is responsible for gathering evidence?
- A. The trial judge
  - B. The parties' attorneys
  - C. The presiding judge
  - D. None of the above
42. Which of the following legal defenses **BEST** describe an appropriate defendant's defence when a law enforcement officer or official induces someone to commit a crime he was not disposed to committing?
- A. Alibi
  - B. Legal Impossibility
  - C. Entrapment
  - D. Mistake

43. Under the United Nations International Covenant on Civil and Political Rights for persons accused of a crime (ICCPR), which of the following is **NOT** one of the rights?
- A. Presumption of innocence
  - B. Right to appeal
  - C. Right not to be examined
  - D. None of the above
44. Which of the following statement is **ACCURATE** in regard to discovery of evidence for civil cases in the adversarial jurisdictions?
- A. The discovery occurs in examination phase
  - B. The discovery occurs in investigation phase
  - C. The discovery occurs during trial phase
  - D. None of the above
45. Which of the following is **NOT** accurate in regard to the discovery of evidence in criminal trials in the inquisitorial jurisdictions?
- A. The discovery of evidence is driven by the trial judge
  - B. The discovery of evidence is conducted during pre-trial
  - C. The discovery of evidence is driven by the parties to the litigation
  - D. None of the above
46. In adversarial jurisdictions which of the following statement is **NOT** accurate in regard to when the duty to preserve documents that are relevant to the facts in issue begin?
- A. The duty to preserve the documents start when the court proceedings commence
  - B. Failure to preserve documents relevant to a litigation is a violation of the other party's rights
  - C. Failure to preserve documents relevant to a litigation is a separate offence in addition to the facts in issue
  - D. None of the above
47. Evidence, relevant to a civil suit must be preserved when litigation is anticipated. In the inquisitorial jurisdiction, which of the following parties has responsibility for preserving evidence?
- A. The trial judge has the responsibility to advise when and which documents should be preserved
  - B. The parties to the litigation have the responsibility to decide when to preserve evidence
  - C. Both the court and the parties to the litigation have the responsibility to decide when to preserve evidence
  - D. None of the above
48. Which of the following statements is **NOT** accurate about arbitration?
- A. Fraud cases can also be resolved through arbitration
  - B. Fraud cases cannot also be resolved through arbitration because fraud is a criminal offence
  - C. Fraud cases can also be resolved through arbitration and the arbitrator's decision shall be binding if the parties had agreed that they will be resolving their disputes through arbitration and the arbitrator's decision shall be binding
  - D. All the above
49. Which of the following is **ACCURATE** in regard to Court of Appeal in the common law jurisdictions?
- A. The Court of Appeal can overturn a lower court decision, and make new determination of the facts in issue
  - B. The Court of Appeal can overturn a lower court decision, and refer the case back to a lower court for a fresh trial
  - C. The Court of Appeal can overturn a lower court decision, make new determination and review the law
  - D. All the above
50. In a civil suit in the common law jurisdictions, which of the following is an example of declaratory remedy?
- A. Compensation for damages caused by the defendant
  - B. A court order to perform or to refrain from an action
  - C. A court interprets a will, contract or ownership of property
  - D. None of the above
51. The second phase of a litigation process featured in most inquisitorial jurisdictions is referred to as:
- A. The pre-trial phase
  - B. The trial
  - C. Investigation phase
  - D. None of the above

52. Which of the following statement in regard to a civil appellate court in a Kenya jurisdiction is **ACCURATE**?
- A. The civil appellate court can obtain more expert opinions
  - B. The civil appellate court can obtain more documentary evidence
  - C. The civil appellate court can obtain more witnesses testimony
  - D. None of the above
53. Which of the following statement is **MOST** accurate in regard to burden of proof in criminal trials in civil law legal systems?
- A. The prosecution has the burden of proof
  - B. The criminal defendant has the burden of proof
  - C. Both the parties to litigation have a burden of proof
  - D. None of the above
54. Which of the following statement is **NOT** accurate in regard to the advocate's role in criminal fraud litigation proceeding in Kenya jurisdiction?
- A. The advocates obtain documentary evidence from each other during pre-trial
  - B. The defense advocate will conduct a cross-examination of the prosecution witnesses
  - C. The prosecution counsel conduct examination in-chief and re-examination of the prosecution witness
  - D. None of the above
55. Which of the following statement is **NOT** accurate in regard to court of appeal in the adversarial jurisdictions?
- A. In adversarial jurisdictions the appellate court cannot reverse a factual finding of a lower court if there is an obvious mistake, and refer the case to the high court
  - B. In adversarial jurisdictions the court of appeal cannot review both issues of evidence and law
  - C. In adversarial jurisdictions the appellate court cannot review issues of evidence
  - D. None of the above
56. Which of the following statement is **NOT** accurate in regard to the court of appeal in civil law jurisdictions?
- A. In the civil law legal system, the appellate court can reverse determination of fact by a lower court and make fresh determinations
  - B. In the civil law legal system, the appellate court can review both issues of facts and law
  - C. In civil law jurisdictions, there are no special cases where the appellate court cannot review both issues of facts and law
  - D. None of the above
57. Which of the following is **NOT** accurate about common law legal systems?
- A. Common legal systems favor documentary evidence for fraud cases
  - B. In common legal systems the prosecutor should serve the defendant with exculpatory evidence
  - C. In common legal systems the prosecutor should serve the defendant with inculpatory evidence
  - D. In common law legal systems, juries are commonly used as fact finders in judicial proceedings
58. Which of the following is a type of a legal remedy in a civil case?
- A. Judgement
  - B. Sentencing
  - C. Incarceration
  - D. None of the above
59. Which of the following statement is **NOT** accurate in regard to recovery of losses caused by dishonest employees?
- A. An organisation can take a fidelity cover which is commensurate to the risk of fraud by employees
  - B. The organisation should report to the insurance company immediately when the fraud is discovered
  - C. The insured should conduct an internal investigation and prepare report for the insurance company
  - D. None of the above
60. Which of the following statements in regard to civil trials in adversarial jurisdictions is **NOT** accurate?
- A. Only the defendant has the duty to preserve evidence relevant to the litigation
  - B. Parties to the litigation can make a request for the other party to turn over a specific document
  - C. Any party to the litigation can be questioned by the other party through a written examination
  - D. None of the above

61. Which of the following statement is **ACCURATE** in regard to criminal proceedings in inquisitorial jurisdictions?
- A. The Juries panel is composed of only professional judges
  - B. The litigants are allowed peremptory challenge
  - C. The litigants are allowed to challenge jurors for a just reason
  - D. None of the above
62. In criminal proceedings in adversarial jurisdictions, which of the following is **ACCURATE** in regard to discovery of evidence during judicial process?
- A. The prosecution has more rights than the defense in discovery of evidence
  - B. The defendant has more rights than defense in discovery of evidence
  - C. The prosecution has the right to attorney work product of the defense
  - D. None of the above
63. In a criminal fraud case where intent is an element of crime, which of the following is a proper defense?
- A. Ignorance of the law
  - B. Alibi
  - C. Legal impossibility
  - D. Mistake
64. In corporate criminal liability, the corporate has absolute liability for the misconduct of another party committed in the course of their duties on behalf of the corporate. Which of the following **BEST** describe this liability?
- A. Strict liability
  - B. Corporate liability
  - C. Damages liability
  - D. Vicarious liability
65. In a jurisdiction that recognises the United Nations International Covenant on Civil and Political Rights (ICCPR). Which of the following **BEST** describes exemption of a search warrant for a law enforcement officer to conduct a seizure or arrest?
- A. When the offence occurs in the suspect's office
  - B. Arresting a suspect in his own home
  - C. Arresting a suspect in a club
  - D. None of the above
66. John is the Chief Executive Officer of ABC Company. John has admitted that the financial performance and financial position of the company were materially misrepresented. Which of the following should the investigator make sure is included in John's statement?
- A. That the misrepresentation was an error
  - B. That the misrepresentation was due to lack of skills and knowledge in financial reporting
  - C. That John knew that the financial statements are materially misrepresented
  - D. All the above
67. Which of the following statements **BEST** describes a custodial arrest?
- A. A custodial arrest occurs when the suspect is arrested by the law enforcement officer
  - B. A custodial arrest occurs when a suspect is informed by the law enforcement that he is free to leave
  - C. A custodial arrest occurs when the suspect is booked into a police station
  - D. None of the above
68. Which of the following statement is **NOT** accurate in regard to the company's vicarious liability?
- A. An organisation can be vicariously liable for offences committed by employees in the course of their employment
  - B. An organisation can be vicariously liable for offences committed by their consultants while working on their behalf.
  - C. If management was not aware of the employee's offences the company will still be vicariously liable.
  - D. None of the above
69. In a criminal case in common law legal system, which of the following is charging document for serious criminal cases?
- A. An affidavit
  - B. An indictment
  - C. An arrest warrant
  - D. A petition

70. Which of the following statements is **ACCURATE** in regard to jury's verdict in criminal trial in the adversarial jurisdiction?
- A. The jury's verdict must be unanimous in serious criminal cases only
  - B. The jury's verdict does not have to be unanimous
  - C. The jury's verdict will go by the majority
  - D. None of the above
71. Which of the following is **NOT** accurate under, The United Nations International Covenant on Civil and Political Rights (ICCPR) right to fair hearing of those accused of crime?
- A. Right to adequate time to prepare for trial
  - B. Freedom from arbitrary arrests and searches
  - C. Right to be tried without unnecessary delays
  - D. None of the above
72. Which of the following is **NOT** an example of a pre-trial motion in adversarial jurisdictions?
- A. Motion for summary judgment
  - B. Motion of change of venue
  - C. Motion of admissibility of evidence
  - D. None of the above
73. In common law legal systems in civil cases, which of the following refers to an oral sworn examination conducted by the opposing counsel during pre-trial?
- A. Direct examination
  - B. Interrogation
  - C. Cross examination
  - D. None of the above
74. Which of the following **BEST** describes the pretrial discovery process in civil cases?
- A. Re-examination
  - B. Pre-trial conference
  - C. Written examination
  - D. All the above
75. Fraud examiners and investigators should have good knowledge of law, **EXCEPT** which one of the following?
- A. Substantive laws related to fraud and corruption
  - B. The criminal and civil procedure law
  - C. The rule of evidence
  - D. None of the above
76. Which of the following statement is **NOT** accurate in regard to domestic judgments against a foreign defendant?
- A. The judgement can enforce seizure of the defendant's assets located in the domestic country
  - B. The judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction whose internal laws recognise the judgement
  - C. The judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction that has a treaty with the domestic for the enforcement of judgements
  - D. None of the above
77. In civil trials in the civil law jurisdictions, the evidentiary record is usually created at what phase of the trial process?
- A. During examination phase
  - B. During the investigation phase
  - C. At the pre-trial stage
  - D. Trial
78. In civil proceeding in the common law jurisdiction, which of the following is **NOT** accurate in regard to litigation privileges?
- A. Litigation privileges protects information provided by a client to an attorney in order to seek legal advice
  - B. Litigation privileges protect information provided to third party consulting expert
  - C. Litigation privileges protects communications or documents prepared in anticipation for litigation
  - D. None of the above



79. Which of the following statement is **NOT** accurate in regard to cross examination of witnesses in adversarial jurisdictions like Kenya?
- A. In most adversarial jurisdictions, the accused have the right to cross examine any witness called by the prosecution
  - B. In most adversarial jurisdictions, the accused has the right to cross examine a court appointed expert witness
  - C. In most adversarial jurisdictions, the witnesses are appointed by the parties to the litigation
  - D. None of the above
80. Which of the following statement is **NOT** accurate in regard to witnesses in the civil legal systems?
- A. In most civil law systems, the accused cannot cross examine the primary witness
  - B. In most civil law systems, the accused has the right to question the court appointed witness
  - C. In most civil law systems, the court appoints witnesses for the parties to the litigation
  - D. None of the above
81. Which of the following is **NOT** accurate in regard to deferred prosecution agreement?
- A. Deferred prosecution agreement is an efficient method of handling corporate misconduct
  - B. They help in mitigating the risk of illegal practices
  - C. They encourage an organisation to have an effective compliance program in place
  - D. None of the above
82. Which of the following statements is **NOT** accurate in regard administrative laws?
- A. Administrative laws are a type of statutory law
  - B. Administrative laws are a type of substantive law
  - C. Administrative laws are not a type of Procedural law
  - D. None of the above
83. Which of the following statement is **NOT** accurate in regard to sources of law?
- A. The main source of law in Kenya jurisdiction for criminal trials is the statutory law
  - B. Most common law legal systems are moving away from the use of the common law and developing criminal statutes
  - C. Kenya jurisdiction heavily applies statutory law in criminal cases
  - D. None of the above
84. Which one of the following statements is **ACCURATE** with regard to burden of proof in civil and common law legal systems?
- A. The standard of proof for a criminal trial in inquisitorial jurisdiction is higher than the standard of proof for a civil trial
  - B. The standard of proof for a civil trial in the inquisitorial jurisdiction is lower than the burden of proof for a civil trial in Kenya jurisdiction
  - C. The standard of proof for a criminal trial in the civil law jurisdiction is lower than the standard of proof in a criminal trial in the Kenya Jurisdiction
  - D. All the above
85. Which of the following statement is **ACCURATE** in regard to closing arguments in criminal trials in adversarial jurisdictions?
- A. Closing arguments is additional evidence introduced by the prosecution and the defense to strengthen their side of the case
  - B. Closing arguments is a summary of the parties' evidence and the basis of their arguments either to acquit or convict
  - C. Closing arguments is a summary of the defense and prosecution counsels' materials prepared in anticipation for litigation
  - D. None of the above
86. Which of the following is **ACCURATE** in regard to duty to preserve evidence in the adversarial jurisdictions?
- A. Accidentally shredding documents relevant to a civil proceeding will raise sanction
  - B. Unintentionally deleting documents relevant to a civil litigation will not raise sanction for failure to preserve evidence
  - C. Failure to stop destruction of both electronic data and physical documents relevant to a civil litigation will not raise sanction for failure to preserve evidence
  - D. All of the above

87. Which of the following statements is **NOT** accurate in regard to judges and fact finding in criminal trials in the adversarial jurisdictions?
- A. In common law jurisdictions, a judge must serve as the fact-finder in a criminal trial
  - B. In common law jurisdictions, a judge does not always serve as the fact-finder in a criminal trial
  - C. In common law jurisdictions, where juries are used as fact finders, judges are not commonly used as fact finders
  - D. None of the above
88. Which of the following statements is **ACCURATE** in regard to how courts choose which jurisdiction's laws to apply in domestic court proceeding?
- A. Generally, courts always apply the procedural laws of their own jurisdictions
  - B. Courts always apply the substantive laws of foreign jurisdictions
  - C. Most courts apply both their own procedural and substantive laws to all cases.
  - D. Most courts always apply the procedural laws of foreign jurisdictions
89. If a person violates the law against bribery, the law that the individual has violated is, which type of body of law?
- A. Case law
  - B. Statutory law
  - C. Common law
  - D. None of the above
90. Lee is a suspect in an ongoing civil investigation in an adversarial jurisdiction. He shreds original documents that are relevant to the facts in issue. Which of the following statements is **ACCURATE** in regard to preservation of evidence?
- A. Lee likely violated his duty to preserve relevant information because he destroyed evidence when litigation was reasonably anticipated
  - B. Lee did not violate his duty to preserve relevant information because no litigation had commenced when he shredded the documents
  - C. Lee did not violate his duty to preserve relevant information because the documents were due for destruction.
  - D. Lee did not violate his duty to preserve relevant information because the court had not requested for preservation of the documents
91. Which of the following is **NOT** one of the three stages of a civil litigation in common law jurisdictions?
- A. Trial phase
  - B. The examining phase
  - C. The pre-trial phase
  - D. None of the above
92. Which of the following statements is **NOT** accurate in regard to criminal discovery process in adversarial jurisdictions?
- A. The parties to the proceedings do not have right to discover all the materials to be used in court against them by their opponent
  - B. The parties to the litigation have right to discover business documents that would be introduced as evidence in a court of law
  - C. The parties to the proceedings have right to the expert consultant's report prepared for the attorney
  - D. The parties to the proceedings have right to the expert witness report to be used in court
93. Which of the following statements is **NOT** accurate in regard to judges and juries in the civil legal systems?
- A. Inquisitorial judicial process use juries as fact-finders in serious criminal cases
  - B. Inquisitorial judicial process use juries as fact-finders in serious civil suits
  - C. Inquisitorial judicial process
  - D. uses judges as fact-finders.
  - E. None of the above
94. In the civil jurisdictions, what type of challenge occurs when a defendant in a criminal trial refuses trial by a panel of juries for a cause?
- A. Challenge for a cause
  - B. Peremptory challenge
  - C. Jury challenge
  - D. None of the above

95. In common law jurisdictions, which of the following parties to the litigation may **NOT** have access to the full evidentiary record before trial in a criminal proceeding?
- Both the prosecution and defence
  - The prosecution
  - The defence
  - All the above
96. Which of the following statements is **ACCURATE** in regard to judges and juries in adversarial jurisdiction?
- Adversarial judicial process only use juries as fact-finders.
  - Adversarial judicial process only use judges as fact finders
  - Adversarial jurisdiction uses both juries and judges as fact finders
  - None of the above
97. Which of the following statements is **NOT** accurate in regard to prosecution discretion?
- Kenya directorate of public prosecution has total prosecutorial discretion
  - Prosecutorial discretion is generally based on whether there is sufficient evidence to prosecute
  - Kenya directorate of public Prosecution does not have total prosecutorial discretion
  - All the above
98. Which of the following statements is **NOT** accurate in regard to judges and juries in the adversarial jurisdiction?
- Adversarial judicial process use juries as fact-finders only in serious criminal cases
  - Adversarial judicial process use juries as fact-finders in civil suits
  - Adversarial judicial process uses judges as fact-finders.
  - All the above
99. Which of the following is **NOT** accurate under- The United Nations' International Convention on Civil and Political Rights (ICCPR)?
- ICCPR commits countries that have signed and ratified the ICCPR to observe citizen's rights
  - Part III includes the rights of those accused of crimes and civil wrongs
  - It states that the results of criminal hearings should be publicised in most cases to enhance transparency in the criminal justice system
  - None of the above
100. Abel is a suspect in an ongoing civil investigation in an inquisitorial jurisdiction. He shreds original documents that are relevant to the facts in issue. Which of the following statements is **ACCURATE** in regard to preservation of evidence?
- Abel likely violated his duty to preserve relevant information because he destroyed evidence when litigation was reasonably anticipated
  - Abel did not violate his duty to preserve relevant information because it is the responsibility of the court to advise on when and which documents should be preserved
  - Abel did not violate his duty to preserve relevant information because the documents were due for destruction
  - None of the above

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**CERTIFIED FORENSIC FRAUD EXAMINER (CFFE)**

**MODULE ONE**

**OVERVIEW OF THE LEGAL AND JUSTICE SYSTEM**

**TUESDAY: 6 December 2022. Morning Paper.**

**Time Allowed: 3 hours.**

**Answer ALL questions by indicating the letter (A, B, C or D) that represents the correct answer. This paper is made up of one hundred (100) Multiple Choice Questions. Each question is allocated one (1) mark.**

1. Which of the following statements is **NOT** accurate in relation to burden and standard of proof in both common legal system and civil law legal systems?
  - A. In the common law legal system, the burden of proof rests with the prosecution
  - B. The standard of proof for civil trials in both the common and civil legal system is preponderance and standard of proof respectively
  - C. In both the common and civil legal systems, the standard of proof for a criminal trial is beyond reasonable doubt
  - D. None of the above
2. Which of the following statements is **NOT** correct in regard to prosecution and bargaining discretion?
  - A. Adversarial jurisdiction favors prosecutorial bargaining
  - B. Prosecutorial bargaining is more common in the common law than in the civil law jurisdictions
  - C. Prosecutorial discretion rest with the court
  - D. None of the above
3. Which of the following is **NOT** true about The United Nations' International Convention on Civil and Political Rights (ICCPR) for those accused of crimes, in regard to a fair hearing?
  - A. Right to appeal
  - B. Right to be tried by a jury
  - C. Adequate time to prepare
  - D. None of the above
4. In which legal system are judges used as fact finders for serious criminal cases where the panel is made up of lay and professional judges?
  - A. Federal legal system
  - B. Adversarial jurisdictions system
  - C. Inquisitorial jurisdictions
  - D. None of the above
5. Which of the following **BEST** describes the burden of proof in civil cases in civil law jurisdictions that use an inquisitorial court process?
  - A. Beyond reasonable doubt
  - B. Preponderance of evidence
  - C. More probable than not
  - D. None of the above

6. Adversarial jurisdictions conduct sworn testimony given by a party or witness upon questioning by counsel for one of the parties during pre-trial. Which of the following **BEST** describes the type of testimony?
- A. Cross-examination
  - B. Re-examination
  - C. Oral examination
  - D. Direct examination
7. In most common law jurisdictions, which of the following is one of the documents used as a criminal charging document for serious cases brought to court by the government?
- A. Information
  - B. Warrant of arrest
  - C. Indictment
  - D. None of the above
8. In a bribery and corruption case, the prosecution will have to prove giving and receiving. Which of the following legal element is the prosecution **NOT** required to prove?
- A. Lack of intent
  - B. Giving, offering, promise
  - C. Receiving, soliciting
  - D. None of the above
9. Which of the following statements is **TRUE** about prosecution bargaining in civil and common law jurisdiction?
- A. Bargaining agreements are more widely used in inquisitorial law jurisdictions than in adversarial law jurisdictions
  - B. The circumstances in which bargaining agreements are allowed in common law jurisdictions are more limited than in the civil law jurisdiction
  - C. In civil law jurisdictions, the defendant records a confession statement as evidence
  - D. All the above
10. Which of the following is **NOT** correct about closing arguments in a criminal case in an adversarial jurisdiction?
- A. Both the prosecution and defense introduce additional evidence to strengthen their side of the case
  - B. Prosecution makes his final points and tries to convince the jury or judge to convict
  - C. The defense makes his final points and tries to convince the jury or judge to acquit
  - D. All the above
11. Which of the following is **TRUE** about the burden of proof in civil trials in adversarial jurisdictions?
- A. The standard of proof is a preponderance of the evidence
  - B. The standard of proof is inner conviction of the judge
  - C. The standard of proof is reasonable doubt
  - D. None of the above
12. Which of the following refers to an alternative dispute resolution process where an impartial third party decides who win the case based on merits?
- A. Mediation
  - B. Arbitration
  - C. Administrative justice
  - D. Mediation
13. Which of the following is an element of jurisdiction to hear a certain case?
- A. The venue
  - B. Jury's qualification
  - C. Burden of proof
  - D. All the above

14. Which of the following court has jurisdiction to hear and determine tax fraud cases?
- A. Tax fraud courts
  - B. High court
  - C. Anti-corruption court
  - D. None of the above
15. In which jurisdiction are judges bound by codified statutes or compiled statutes and use previous decisions to interpret the statutes?
- A. Common law legal systems
  - B. Inquisitorial jurisdiction
  - C. Federal legal systems
  - D. None of the above
16. Which of the following statements is **NOT** true about civil and common law legal systems?
- A. In common law legal systems, judges can only apply applicable statutes created by the legislature
  - B. In civil law legal systems judges are not bound by the court precedent
  - C. Judges in civil law legal systems can use court precedent to interpret codified statutes
  - D. None of the above
17. Which of the following statement is **NOT** true about alternative dispute resolution?
- A. Arbitration is always binding
  - B. Mediation is always binding
  - C. In mediation a third party does not decide who wins the case.
  - D. All the above
18. Which of the following statement is **NOT** true about civil countersuits?
- A. A defendant in another civil suit cannot be a plaintiff in another suit
  - B. A defendant in another civil suit can be a plaintiff in another suit
  - C. A plaintiff in another civil suit can be a defendant in another suit
  - D. All the above
19. In the common law legal system, which of the following is **NOT** true about juries?
- A. Juries cannot be challenged by any of the parties to the litigation
  - B. Juries can be challenged for no reason
  - C. Juries can be challenged for an acceptable reason
  - D. All the above
20. There are two major legal systems in the world, and any country will be in either the common or civil law. Which of the following describes Kenya's legal system?
- A. Common Law legal system
  - B. Civil Law legal system
  - C. Adversarial legal system
  - D. Constitutional Law
21. Which of the following law defines how individual cases are determined?
- A. Substantive law
  - B. Statutory law
  - C. Procedural law
  - D. None of the above
22. Which of the following law is **NOT** created by the legislature?
- A. Case law
  - B. Statutory law
  - C. Procedural law

- D. None of the above
23. Which of the following statement is **NOT** true in regard to international laws?
- A. International law is a body of legal rules, regulations, and accepted practices observed by nations
  - B. International laws define the nations legal responsibilities for their conduct when dealing with each other
  - C. International law is primarily enforced through Legal mutual assistance and treaties
  - D. None of the above
24. Which of the following statements is **TRUE** about the discovery of evidence process in criminal proceedings in an inquisitorial jurisdiction?
- A. Most of the discovery process occurs in the trial phase of the litigation process
  - B. The parties to the litigation request limited information from each other during the pretrial stage
  - C. The parties to the litigation drive the discovery of evidence
  - D. Both parties to the litigation discover evidence during the investigation and examination phase
25. In inquisitorial jurisdictions, which of the following statement is **TRUE** in regard to civil trials evidence
- A. The standard of proof for civil trials in the inquisitorial jurisdiction
  - B. Is preponderance of evidence
  - C. Inquisitorial jurisdictions favor testimonial evidence
  - D. The evidentiary record is available at the outset of the trial
26. In adversarial jurisdictions, which of the following statements is **NOT TRUE** in regard to common law jurisdictions civil trials evidence
- A. The standard of proof for civil trials in the adversarial jurisdiction is beyond reasonable doubt
  - B. Adversarial jurisdictions favor testimonial evidence
  - C. In adversarial jurisdictions the court discover evidence during trial
  - D. All the above
27. Which of the following is an example of an equitable remedy in which a court orders a party to performance or to refrain from taking action?
- A. Injunction
  - B. Specific performance
  - C. Equitable remedy
  - D. None of the above
28. In most jurisdictions, the plaintiff's fact pleadings contain the following information **EXCEPT**?
- A. The summary of evidence
  - B. The basis/grounds for the legal relief
  - C. Key documents related to the facts at issue
  - D. All items and documents that are expected to be presented as evidence
29. Which of the following **BEST** describes the sources of law in common law legal systems?
- A. Codified principles and statutes
  - B. Common law and substantive law
  - C. Common law and Statutory law
  - D. None of the above
30. Which of the following statements in regard to sources of law in the common law systems is **NOT** correct?
- A. The primary source of law in the common law jurisdictions is common law
  - B. The primary source of law in the common law jurisdictions is substantive law
  - C. Common law is a source of law in the common law jurisdiction
  - D. None of the above

31. Which of the following statements is **NOT** correct in regard to a civil action for fraud cases?
- A. Fraud being a criminal offence, fraud cannot be prosecuted as a civil case
  - B. Fraud case can also be prosecuted as a civil case
  - C. Fraud cases can be prosecuted as a civil and criminal case concurrently
  - D. All the above
32. Which of the following should be considered in relation to court jurisdiction?
- A. Where the case arose
  - B. Justice system
  - C. Burden of proof
  - D. All the above
33. Many countries that were part of the British Empire were influenced by the judge-made law. The law is referred to as?
- A. Codified statutes
  - B. Criminal law
  - C. Case law
  - D. None of the above
34. Fraud is a criminal offence. Which of the following type of law is **NOT** related to fraud and corruption?
- A. Statutory law
  - B. Substantive law
  - C. Procedural law
  - D. All the above
35. Which of the following, **BEST** describes the body of law that is **NOT** created by legislature?
- A. Substantive law
  - B. Procedural law
  - C. Statutory law
  - D. Case law
36. Which of the following is **NOT** considered as a substantive public law?
- A. Constitutional Law
  - B. Case Law and Common Law
  - C. Criminal Law
  - D. Civil Law
37. Which of the following statements is **NOT** accurate in regard to the choice of law in international fraud cases?
- A. The courts will consider the nationality of the parties to the litigation
  - B. The courts will not consider the jurisdiction in which the act occurred
  - C. The courts will consider the current physical address of the parties in litigation
  - D. All of the above
38. In most civil law jurisdictions, which of the following statements is **CORRECT** in regard to trial and sentencing?
- A. A presentence report is prepared by a government official
  - B. Evidence of a defendant's prior criminal convictions is admitted
  - C. The trial and sentencing are carried out at the same time such that the decision of guilt and punishment are announced together
  - D. A victim impact statement is admitted as part of the presentence report
39. Which of the following is **NOT TRUE** in regard to activities performed during the pre-trial and trial phase of a criminal case in adversarial jurisdictions?



- A. Parties to the litigation request information from each other during pre-trial
  - B. The prosecution discovers evidence from the defense during trial
  - C. The prosecution presents evidence against the defendant and the defendant's counsel cross-examines the prosecution witness
  - D. None of the above
40. Which one of the following is **NOT TRUE** in regards to substantive laws related to fraud?
- A. In federal systems, of government, substantive laws are typically legislated by the central government
  - B. In federal systems each state is semi- autonomous and may create its own substantive law
  - C. In most unitary systems of government substantive laws are typically legislated by the central government
  - D. All the above
41. Which of the following **BEST** describes the body of law that provides remedies for violation of individual private rights:
- A. Case law
  - B. Procedural law
  - C. Constitutional law
  - D. None of the above
42. Law can be categorized as either substantive or procedural law. Which of the following statement is **CORRECT** in regard to the law of evidence?
- A. The law of evidence is categorized as procedural law
  - B. The law of evidence is categorized as substantive law
  - C. The law of evidence is categorized as both procedural and substantive law
  - D. All the above
43. In the inquisitorial jurisdictions which party is **NOT** responsible for gathering evidence?
- A. The court
  - B. The parties to the litigation
  - C. The judge
  - D. None of the above
44. Which of the following legal defenses refers to when a law enforcement officer or official induces someone to commit a crime he was not intending or disposed to committing such a crime?
- A. Alibi
  - B. Legal Impossibility
  - C. Mistake
  - D. None of the above
45. According to the United Nations International Covenant on Civil and Political Rights for persons accused of a crime (ICCPR), which of the following is **NOT** one of the rights?
- A. Presumption of innocence
  - B. Freedom from custodial arrest
  - C. Right to appeal
  - D. Right to have a translator for free
46. Which of the following statement is **NOT TRUE** in regard to discovery of evidence for civil cases in civil law legal systems
- A. The discovery occurs in Examination phase
  - B. The discovery occurs in investigation phase
  - C. The discovery occurs in pre-trial phase
  - D. All the above

47. Which of the following is **NOT CORRECT** in regard to the discovery of evidence in criminal trials in the civil law jurisdictions?
- A. The discovery of evidence is driven by the court
  - B. The discovery of evidence is conducted during investigation and examination phase
  - C. The discovery of evidence is driven by the counsels of the parties to litigation
  - D. All the above
48. In adversarial jurisdictions which of the following statement is **NOT CORRECT** in regard to the duty to preserve documents that are relevant to the facts in issue?
- A. The responsibility to advise when to preserve the documents rests with the court
  - B. Failure to preserve documents relevant to litigation is an offense under obstruction of justice
  - C. Duty to preserve documents commence even before litigation starts
  - D. All the above
49. Apple Company and Orange Company operate in a civil law jurisdiction. The Apple Company notified the Orange Company of its intention to take legal action against the company. At what point does the duty to preserve evidence arise?
- A. When the litigation is reasonably anticipated
  - B. During the examination phase of the litigation
  - C. During the investigation phase of the litigation
  - D. None of the above
50. Which of the following is **TRUE** about arbitration?
- A. Arbitration decisions can either be binding or non-binding
  - B. All arbitrations are binding
  - C. All arbitrations are non-binding
  - D. None of the above
51. Which of the following is **CORRECT** in regard to Court of Appeal in adversarial jurisdictions?
- A. The Court of Appeal will only review issues of the law
  - B. The Court of Appeal will only review issues of evidence
  - C. The Court of Appeal will review both issues of the law and evidence
  - D. All the above
52. In a civil suit in the common law jurisdictions, which of the following is an example of damages remedy?
- A. Compensation for damages caused by the defendant
  - B. A court order to perform or to refrain from an action
  - C. A court interprets a will, contract or ownership of land/property
  - D. All the above
53. The third phase of a litigation process featured in most civil law jurisdictions is referred as?
- A. The Pretrial phase
  - B. The trial
  - C. Examination phase
  - D. Investigation Phase
54. A civil appellate court in a common law legal system jurisdiction can?
- A. Obtain more expert opinions
  - B. Obtain more documentary evidence
  - C. Obtain more witnesses testimony
  - D. None of the above
55. What is the standard of proof in criminal trials in civil law legal systems?
- A. Beyond reasonable doubt
  - B. Preponderance of evidence

- C. Inner conviction of the judge  
D. None of the above
56. In adversarial jurisdictions, which of the following is **NOT** correct in regard to the role of the attorney in a litigation proceeding?  
A. To request and obtain documentary evidence from each other during pretrial  
B. The defense counsel will conduct a cross-examination of the prosecution witnesses  
C. The prosecution counsel conducts cross-examination and re-examination of the prosecution witness  
D. All of the above
57. Which of the following is **TRUE** about a Court of Appeal in common law jurisdictions?  
A. In the common law legal system, the appellate court cannot reverse a factual finding of a lower court if there is an obvious mistake and refer the case to the high court  
B. A court of appeal in the common law legal system will review both issues of evidence and law and determine if there was an error in the application of the law  
C. There are special cases where the appellate court in common law jurisdictions can review issues of evidence and law  
D. None of the above
58. Which of the following is **NOT TRUE** about a court of appeal in civil law jurisdictions?  
A. In the civil law legal system, the appellate court cannot reverse a factual finding of a lower court if there is an obvious mistake and refer the case to the high court  
B. A court of appeal in the civil law legal system can review issues of evidence and law  
C. There are no special cases where the appellate court in civil law jurisdictions cannot review issues of evidence and law  
D. None of the above
59. Which of the following is **NOT TRUE** about common law legal systems?  
A. Civil legal systems favor testimonial to documentary evidence  
B. In common legal systems the prosecutor should serve the defendant with exculpatory evidence  
C. Judges in common legal systems also act as juries  
D. In common law legal systems, juries are commonly used as fact finders in judicial proceedings
60. Which of the following is **NOT** a type of a legal remedy in a civil case?  
A. Injunction  
B. Equitable remedies  
C. Incarceration  
D. None of the above
61. Which of the following is **NOT CORRECT** in regard to recovery of losses caused by dishonest employees?  
A. An organisation can take a fidelity cover which is commensurate to the risk of fraud by employees  
B. The organisation is not required to demonstrate that they had put effective controls in place at the time the fraud occurred  
C. The organisation should report to the insurance company immediately when the fraud is discovered, conduct an internal investigation and prepare report for the insurance company  
D. None of the above
62. Which of the following statements concerning civil trials in common law jurisdictions is **NOT** correct?  
A. Parties to the litigation have a duty to preserve evidence relevant to the litigation  
B. Parties to the litigation can make a request for the other party to turn over a specific document  
C. Any party to the litigation can be questioned by the other party through a written examination  
D. None of the above

63. Which of the following is **CORRECT** in regard to criminal proceedings in civil law legal systems?
- A. The Juries panel is composed of only professional judges
  - B. The litigants are allowed to impeach jurors for no just reason
  - C. The litigants are allowed to impeach jurors for a just reason
  - D. None of the above
64. In criminal proceedings in adversarial jurisdictions, which of the following is **TRUE** pertaining to the rights of parties in the litigation process?
- A. The prosecution has more rights than the defense in discovery of evidence
  - B. The defendant has the right to attorney work product of the prosecution
  - C. The prosecution has the right to attorney work product of the defense
  - D. None of the above
65. In a criminal fraud case where intent is an element of crime, which of the following is a proper defense?
- A. Ignorance of the law
  - B. Alibi
  - C. Legal impossibility
  - D. None of the above
66. In corporate criminal liability, the corporate has absolute liability for the misconduct of another party committed in the course of their duties on behalf of the corporate. Which of the following **BEST** describe this liability?
- A. Strict liability
  - B. Corporate liability
  - C. Damages liability
  - D. None of the above
67. In a jurisdiction that recognises the United Nations International Covenant on Civil and Political Rights (ICCPR). Which of the following **BEST** describes exemption of a search warrant for a law enforcement officer to conduct a seizure or arrest?
- A. When the offence occurs in the suspect office
  - B. Arresting a suspect in his own home
  - C. Arresting a suspect in a club
  - D. None of the above
68. Gregory is the Chief Executive Officer of ABC Company. Gregory has admitted that the financial performance and financial position of the company was materially misrepresented. Which of the following should the investigator make sure is included in Gregory's statement?
- A. That the misrepresentation was an error
  - B. That the misrepresentation was due to lack of skills and knowledge in financial reporting
  - C. That the misrepresentation was deliberate and intentional
  - D. All the above
69. Which of the following statements **BEST** describes a custodial arrest?
- A. A custodial arrest occurs when the suspect is arrested by the law enforcement officer
  - B. A custodial arrest occurs when a suspect is informed by the law enforcement that he is free to leave
  - C. A custodial arrest occurs when the suspect is booked into a police station
  - D. None of the above
70. The Finance Manager of XYZ Limited, realised that the company's cash flows were very low. He decided to evade taxes by lowering the tax liability to minimise the payable amounts. The management was not aware of the finance manager actions. Which of the following statement is **NOT** correct in regard to the company's vicarious liability?
- A. The employee committed the offence in the scope of his employment; therefore, the company would be held vicariously liable
  - B. The employee's action was to benefit the company; therefore, the company would be held vicariously liable

- C. The management was not aware of the finance manager's actions and therefore the company cannot be held vicarious liable.
- D. None of the above
71. In a criminal case in a civil law legal system, which of the following is **NOT** a charging document?
- A. An affidavit
- B. An indictment
- C. An arrest warrant
- D. A petition
72. When parties to a litigation want to challenge a juror, which of the following is an acceptable cause for challenge?
- A. Juror's lack of credibility
- B. Juror's religion
- C. Juror's race
- D. All the above
73. Which of the following statements is **TRUE** in regard to jury's verdict in criminal trial in the adversarial jurisdiction?
- A. The jury's verdict must be unanimous
- B. The jury's verdict does not have to be unanimous
- C. The jury's verdict will be as per the majority
- D. None of the above
74. Which of the following is **NOT CORRECT** under, The United Nations International Covenant on Civil and Political Rights (ICCPR) right to fair hearing of those accused of crime?
- A. Right to adequate time to prepare for trial
- B. Right not be examined by the opposing party
- C. Right to be tried without unnecessary delays
- D. None of the above
75. Which of the following is **NOT** an example of pretrial motion in adversarial jurisdictions?
- A. Motion for summary judgment
- B. Seeking a change of venue
- C. Requesting the court to rule that evidence is inadmissible and prohibiting opposing counsel from using it as evidence.
- D. Motion to appeal
76. In common law legal systems in civil cases, which of the following refers to an oral sworn examination conducted by the counsel out of court during pre-trial?
- A. Direct examination
- B. Oral/written examination
- C. Interrogation
- D. None of the above
77. In common law legal systems, which of the following is **NOT** a method of pretrial discovery in civil cases?
- A. Re examination
- B. Oral examination
- C. Written examination
- D. All the above
78. To be able to conduct effective investigations that can be used in a court of law, Fraud Examiners and investigators should have good knowledge of law. Which of the following is one of those areas of law that a fraud examiner is expected to know?
- A. Laws related to fraud
- B. The criminal and civil justice systems

- C. Basic principles of evidence and testifying in court as an expert witness  
D. All the above
79. Which of the following statement is **NOT TRUE** in regard to domestic judgments against a foreign defendant?  
A. The judgement can enforce seizure of the defendant's assets located in the domestic country  
B. The judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction whose internal laws recognise the judgement  
C. The judgement can enforce seizure of the defendant's assets located in the foreign jurisdiction that has a treaty with the domestic for the enforcement of judgements  
D. The judgement can enforce seizure of the defendant's assets located in a foreign country
80. In civil trials in the civil law jurisdictions, the summary of evidence is usually created at what phase of the trial process?  
A. During examination  
B. During the investigation phase  
C. At the pretrial stage  
D. None of the above
81. In civil proceeding in the common law jurisdiction, which of the following is **NOT TRUE** in regard to litigation privileges?  
A. Litigation privileges protects information provided by a client to an attorney in order to seek legal advice  
B. Litigation privileges does not protect information provided to third party consulting expert  
C. Litigation privileges protects communications or documents prepared in anticipation for litigation  
D. None of the above
82. Which of the following statement is **NOT TRUE** in regard to witnesses in the common legal systems?  
A. In most common law systems, the accused have the right to cross examine any witness called by the prosecution  
B. In most common law systems, the accused has the right to cross examine any witness appointed by the court  
C. In most common law systems, the witnesses are appointed by the court  
D. None of the above
83. Which of the following statement is **NOT TRUE** in regard to witnesses in the civil legal systems?  
A. In most civil law systems, the accused have the right to cross examine any witness called by the prosecution  
B. In most civil law systems, the accused has the right to question the court appointed witness  
C. In most civil law systems, the witnesses are appointed by the court  
D. None of the above
84. Which of the following is **NOT TRUE** in regard to deferred prosecution agreements?  
A. Deferred prosecution agreements encourage corporate misconduct  
B. They help in mitigating the risk of illegal practices  
C. They encourage an organisation to have an effective compliance program in place  
D. All of the above
85. Which of the following statements is **NOT TRUE** about administrative laws?  
A. Administrative laws are type of statutory law  
B. Administrative laws are type of substantive law  
C. Administrative laws are type of Procedural law  
D. None of the above
86. Which of the following statement is **NOT CORRECT** in regard to the sources of law?  
A. The two sources of law in the common law legal systems are the common law and the statutes.  
B. Most common law legal systems are more and more moving away from the use of the common law  
C. Most adversarial jurisdiction heavily applies common law in criminal cases  
D. All the above

87. Which one of the following statements is **NOT CORRECT** with regard to the burden of proof in civil and common law legal systems?
- A. The burden of proof for a civil and criminal trial in inquisitorial jurisdiction is the same
  - B. The burden of proof for a civil trial in the civil law jurisdiction is lower than the burden of proof for a civil trial in the common law jurisdiction
  - C. The burden of proof for a criminal trial in the civil law jurisdiction is lower than the burden of proof in a criminal trial in a common law jurisdiction
  - D. None of the above
88. Which of the following statement is **NOT TRUE** about closing arguments in criminal trials in adversarial jurisdictions?
- A. Closing arguments is not additional evidence introduced by the prosecution and the defense
  - B. Closing arguments is a summary of the parties' evidence and the basis of their arguments either to acquit or convict
  - C. Closing arguments is a summary of the defense counsel's materials prepared in anticipation for litigation
  - D. None of the above
89. Which of the following is **NOT CORRECT** in regard to sanctions for violating the duty to preserve information relevant to anticipated litigation?
- A. Accidentally shredding documents relevant to a litigation will raise sanction for failure to preserve evidence
  - B. Unintentionally deleting documents relevant to a litigation will not raise sanction for failure to preserve evidence
  - C. Failure to stop destruction of both electronic data and physical documents relevant to a litigation will raise sanction for failure to preserve evidence
  - D. All of the above
90. Which of the following statements is **TRUE** in regard to judges and juries as fact finders?
- A. In criminal trials in common law jurisdictions, a jury must serve as the fact-finder.
  - B. In criminal trials in civil law jurisdictions, a jury must serve as the fact-finder.
  - C. In criminal trials in civil law jurisdictions, a judge must serve as the fact-finder
  - D. None of the above
91. Which of the following statements is most **ACCURATE** in regard to how courts choose which jurisdiction's laws to apply?
- A. Most courts always apply the substantive laws of foreign jurisdictions
  - B. Most courts apply both their own procedural and substantive laws to all cases.
  - C. Most courts always apply the procedural laws of foreign jurisdictions
  - D. Most courts always apply the procedural laws of their own jurisdictions
92. When people say that a conduct is against the law, they are referring to which type of the law?
- A. Common law
  - B. Substantive law
  - C. Administrative law
  - D. None of the above
93. Don is the lead suspect in an ongoing civil investigation in a common law jurisdiction, that will likely result in litigation. He shreds original documents that are key to the investigation. Which of the following statements is **NOT CORRECT**?
- A. Don likely violated his duty to preserve relevant information because he destroyed evidence valuable to anticipated litigation
  - B. Don did not violate his duty to preserve relevant information because no litigation had commenced when he shredded the documents
  - C. Don violated his duty to preserve relevant information because he shredded documents when litigation was reasonably anticipated
  - D. None of the above

94. In jurisdictions that practice criminal bargaining agreements, which of the following parties generally has/have discretion to decide whether to settle charges with a bargaining agreement?
- A. The jury
  - B. The judge
  - C. The defendant
  - D. None of the above
95. Which of the following is **NOT** one of the three stages of a criminal proceeding in an inquisitorial jurisdiction?
- A. The investigative phase
  - B. The examining phase
  - C. The trial phase
  - D. The pre-trial phase
96. Which of the following statements concerning the criminal discovery process in adversarial jurisdictions is most **ACCURATE**?
- A. Although the prosecution may request information, the defendant is not allowed to request information unless the judge approves
  - B. Neither party may request evidence from the opposing party until after the trial begins.
  - C. Most discovery between the parties occurs during the pre-trial stage
  - D. If a party to the litigation fails to comply with a discovery request, the prosecution settles the dispute and may order the party to comply.
97. Which of the following statements is **NOT** accurate in regard to judges and juries in the civil and common law legal systems?
- A. Inquisitorial judicial process uses juries as fact-finders.
  - B. In a bench trial in adversarial jurisdictions, the judge only decides questions of law.
  - C. Juries primarily decide issues of facts in adversarial jurisdictions
  - D. All the above
98. In some adversarial jurisdictions, what type of challenge occurs when the defense attorney in a criminal trial refuses trial by a juror for no reason?
- A. Challenge for a cause
  - B. Peremptory challenge
  - C. Jury challenge
  - D. None of the above
99. In civil law jurisdictions, which of the following parties to the litigation may **NOT** have access to the full evidentiary record before trial of a criminal proceedings?
- A. The judge
  - B. The prosecution
  - C. The defense
  - D. None of the above
100. Which of the following statements is **ACCURATE** in regard to judges and juries in the inquisitorial jurisdiction?
- A. Inquisitorial judicial process does not use juries as fact-finders.
  - B. Inquisitorial jurisdictions use judges as fact finders
  - C. Inquisitorial jurisdiction does not use judges as fact finders
  - D. All the above
- .....



**KASNEB**

**CFFE MODULE I**

**PAPER NO.3: OVERVIEW OF THE LEGAL SYSTEM AND JUSTICE SYSTEMS**

**EXAMINATION**

**Answer ALL questions.**

**Time allowed: 3 Hours.**

1. In both the common and civil law jurisdictions, the burden of proof for civil trials are:
  - A. Preponderance of evidence and inner conviction of the judge respectively**
  - B. Beyond reasonable doubt and standard of proof respectively
  - C. In both legal systems, the burden of proof is inner conviction of the judge.
  - D. Preponderance of evidence and beyond reasonable doubt respectively
  
2. Civil law does not feature prosecutorial bargaining
  - A. True
  - B. False**
  
3. Which of the following statements in relation to, parties making peremptory challenges to eliminate the jurors is most ACCURATE?
  - A. Most civil and common law countries that use juries, the parties may make peremptory challenges to eliminate the jurors.
  - B. Most civil law countries that use juries, the parties may make peremptory challenges to eliminate the jurors.
  - C. Most common law countries that use juries, the parties may make peremptory challenges to eliminate the jurors.**
  - D. Most common law countries that use juries, the parties cannot make peremptory challenges to eliminate the jurors.
  
4. Which of the following statements concerning the United Nations' International Convention on Civil and Political Rights (ICCPR) is CORRECT?
  - A. It states that everyone accused of a crime is presumed innocent until proven guilty according to the law
  - B. It states that the right of the accused to a fair hearing includes the right to examine or have examined witnesses against the accused
  - C. It states that the results of criminal hearings should be publicized in most cases to promote transparency in the criminal justice system
  - D. All the above**

5. In which legal system are judges used as fact finders in criminal trials and a panel comprised of both professional judges and lay judges to determine serious criminal cases.?
- A. **Civil Law jurisdiction**
  - B. Common Law System
  - C. Adversarial jurisdiction
  - D. Unitary system
6. Which of the following best describes the government's burden of proof in civil cases in civil law jurisdictions that use an inquisitorial court process?
- A. **Inner conviction of the judge**
  - B. Preponderance of evidence
  - C. More probable than not
  - D. Beyond a reasonable doubt
7. Which of the following term is used to describe the process of a sworn testimony given by a party or witness upon questioning by counsel for one of the parties during pre-trial that is usually conducted by a lawyer under oath?
- A. Cross examination
  - B. **Oral examination**
  - C. Direct examination
  - D. Interviewing
8. In most common law jurisdictions, which of the following is one of the documents used as a criminal charging document?
- A. Criminal petition
  - B. **Indictment**
  - C. Information
  - D. All of the above
9. In fraud cases, the defendant may attempt to use several defenses. Some may not be considered as proper defenses for criminal intent. Which of the following is considered the BEST defense to expel intent?
- A. **Mistake**
  - B. Advanced age
  - C. Sickness
  - D. Illiteracy
10. Which of the following statements is TRUE about prosecution bargaining?
- A. Consideration for prosecution bargaining is based on the strength of the available evidence
  - B. The goal behind bargaining agreement is to make the criminal justice process more efficient by reducing the need for trial

C. Consideration for prosecution bargaining is based on resources, time, labour and money required for going through the trial process

**D. All the above**

11. Which of the following statement is NOT true about closing arguments in criminal trials in adversarial jurisdictions?

A. Closing arguments can be counted as additional evidence in favor of the defendant

B. Closing arguments can be counted as additional evidence in favor of the prosecution

C. Closing arguments are summary of the prosecution and DEFENCE counsels work product

**D. All the above**

12. Which of the following statements describes the process of withholding a corporation prosecution of criminal allegations of fraud against an organization as long as the organization reforms its practices and reduces the risk of illegal activities?

A. Prosecution pardon

B. Prosecutorial bargaining

C. Plea bargaining agreement

**D. Deferred prosecution agreement**

13. Which of the following is generally considered the **BEST** legal DEFENCE asserted by defendants in criminal cases?

**A. Lack of intent**

B. Ignorance of the law

C. Legal impossibility

D. Entrapment

14. In relation to adversarial judicial systems, which of the following is TRUE about the burden of proof in criminal trials

A. The prosecution has the burden of proof

B. The proof must be beyond reasonable doubt

C. The burden of proof for criminal cases is higher than the burden of proof for civil cases

**D. All the above**

15. If an employee commits internal fraud, the only way the employer can recover from the losses is through which one of the following?

A. Litigation

B. Arbitration

C. Mediation

**D. All the above**

16. Which of the following refers to a court's moving to another town to hear and decide a given case?

A. Judge's decision

- B. Change of venue**
- C. Jurisdiction
- D. None of the above

17. In which legal system are judges bound by precedent of decision of previous cases which have formed a body of law

- A. Criminal law
- B. Statutory law
- C. Common law system**
- D. Common law

18. Judges in adversarial jurisdictions are bound by previous court decisions, but in practice, many do use previous decisions to guide their interpretations of codes and statutes.

- A. True
- B. False**

19. Mediation and arbitration are similar but they are not identical. Which one of the following is NOT true about mediation and arbitration?

- A. Both the arbitrator and mediator decides who wins the case based on the evidence presented by the parties.
- B. Both the arbitrator and the mediator acts as juries
- C. Both the arbitrator and the mediator help the parties to reach to a mutual agreement
- D. All the above**

20. In a civil case in an adversarial jurisdiction, a court may grant a plaintiff request for which one of the following, if the DEFENCE fail to present a statement of DEFENCE?

- A. Summary judgment**
- B. Judgment n.o.v
- C. De facto judgment
- D. No of the above

21. Which of the following statements concerning judges and juries in the common law jurisdiction is ACCURATE?

- A. In adversarial jurisdictions that use juries, the judge only decides issues of the law
- B. In serious cases, some adversarial jurisdictions use a panel of juries
- C. In less serious cases, some adversarial jurisdiction does not use fact finders.
- D. All the above**

22. Which of the following types of laws are NOT created by legislatures?

- A. Common law and case law**
- B. Statutory law and procedural law
- C. Public law and private law
- D. Administrative law and constitution law

23. Which of the following is **TRUE** about evidence gathering process in the common law jurisdictions?
- A. **The parties to the litigation drive the evidence gathering process**
  - B. The presiding judge drive the evidence gathering process
  - C. The prosecutor drives the evidence gathering process
  - D. The DEFENCE drives the evidence gathering process
24. Which of the following **BEST** describes the civil trial process in inquisitorial jurisdiction?
- A. It is a continual series of meetings and written correspondences, rather than a single event.
  - B. The presiding judge drives the evidence gathering during the investigation phase of the judicial proceedings
  - C. The judicial process is divided into, investigation, examination and trial phase.
  - D. **All the above**
25. In most common law systems, relevant documents in civil cases are listed and described by the party that holds them in which of the following devices?
- A. Petition
  - B. information
  - C. Search warrant
  - D. **Affidavit of documents or records**
26. Which of the following claims in a civil lawsuit would be considered a counterclaim?
- A. A plaintiff's claim against the defendant
  - B. A defendant's claim against another defendant in the same proceeding
  - C. A plaintiff's response to defendant's DEFENCE
  - D. **A defendant's claim against the first plaintiff**
27. Which of the following is an example of an equitable remedy in which a court orders a party to perform, or refrain from performing, a specific act.
- A. **Injunction**
  - B. Declaration
  - C. Damages
  - D. All the above
28. In most jurisdictions, the plaintiff's initial pleading requires various kinds of information. Which of the following is one of these information?
- A. Key documents that might be introduced as evidence during the proceedings
  - B. Grounds for legal relief
  - C. Specific facts on which the party's claim relies
  - D. **All the above**

29. Kenya's system is a type of unitary government where the national government maintains all governing authority, but delegates powers to agencies and national governments.
- A. **True**
  - B. False
30. Which of the following best describes the primary source(s) of law in civil law jurisdictions?
- A. Common law and criminal law
  - B. **Codified principles or statutes**
  - C. Common law and statutes.
  - D. All of the above
31. A fraud case can be taken to court as a civil action. The legal proceeding for a civil suit use, which of the following justice system?
- A. Criminal justice system
  - B. **Civil justice system**
  - C. Civil law system
  - D. Common law system
32. If the prosecution wishes to move a trial to a different city, it must request which of the following?
- A. Change of jurisdiction
  - B. Change of justice
  - C. **Change of venue**
  - D. All the above
33. The judicial system that involves courts applying laws from codified statutes, where the court is not required to consider previous similar court decisions is referred to as:
- A. Common law system
  - B. Adversarial system
  - C. **Inquisitorial system**
  - D. Unitary law system
34. Which of the following legal systems still use judge-made law that originated from England?
- A. **Adversarial judicial system**
  - B. Inquisitorial judicial system
  - C. Common law
  - D. Civil law
35. When an action is said to be against the Kenya criminal law , this action refers to which of the following law.

- A. Procedural law
- B. Penal Code**
- C. Substantive law
- D. Statutory law

36. Which of the following is NOT true about domestic judgment against a foreign defendant in a fraud case?

- A. Some countries will enforce foreign judgments concerning parties or assets within their jurisdiction.
- B. Enforcement of a foreign court's judgment usually depends on whether the internal laws of the jurisdiction recognize foreign judgments
- C. A domestic judgment against a foreign defendant can be helpful for recovering the defendant's assets located in the foreign jurisdiction**
- D. A domestic judgment against a foreign defendant can be helpful for recovering the defendant's assets located in the domestic country

37. Which one of the following statements is ACCURATE with regard to judgment against a foreign defendant?

- A. The domestic judgment might not be helpful in seizing the defendant's assets in a foreign jurisdiction even if it has a treaty with the domestic jurisdiction for the enforcement of judgements
- B. The domestic judgment cannot be used to seize the foreign defendant's assets located in the domestic country
- C. The domestic judgment might be used to seize the defendant's assets in a foreign jurisdiction whose internal laws recognize the judgment**
- D. All of the above

38. In both the civil law system and adversarial judicial processes, criminal defendants are generally required to provide testimony, if so directed by the court.

- A. True
- B. False**

39. In a situation where a court is determining a case involving a transaction between parties and assets located in different countries. Which one of the following statements concerning how courts choose which jurisdiction's laws to apply is NOT accurate?

- A. Most courts always apply the substantive laws of foreign country
- B. Most courts always apply the procedural laws of foreign country.
- C. Most courts always apply both the procedural and substantive laws of the foreign country
- D. All the above**

40. Which one of the following is TRUE in regard to substantive laws related to fraud?

- A. Most of the substantive laws related to fraud/corruption are directly legislated by the central government in unitary systems.

- B. Most of the substantive laws related to fraud/corruption are directly legislated by the central and state/provincial governments in federal systems.
- C. In Kenya substantive laws related to fraud/corruption are directly legislated by the national government
- D. All the above**
41. The legal system where the court oversees the investigation and examination of a case, and has the primarily responsible for questioning witnesses, collecting evidence and recording the findings is referred to as which one the following?
- A. Civil law system
- B. Inquisitorial process**
- C. Civil law
- D. Adversarial Process
42. Which one of the following type of law, defines which actions are prohibited and the penalties for violation of the law?
- A. Civil law
- B. Substantive law**
- C. Procedural law
- D. Criminal law
43. Lilian and Lucy reside in two different countries. Lilian feels that she has suffered financial loss which was caused by Lucy's actions. Lilian wants to take legal action against Lucy, which of the following courts would likely NOT have jurisdiction to hear the case?
- A. Courts that hears cases involving financial and economic crime harm
- B. A court that is preferred by the defendant
- C. A court that preferred by the plaintiff
- D. All the above**
44. A statute that prohibits misrepresentation of material facts, forgery and bribery is an example of which of the following type of law?
- A. Substantive Law**
- B. Criminal law
- C. Common law
- D. None of the above
45. In the adversarial jurisdiction, which one of the following parties typically gathers evidence and conducts the questioning of witnesses?
- A. The judge
- B. The jury
- C. The parties to the litigation**
- D. All the above



46. In jurisdictions that practice criminal bargaining agreements, which of the following parties generally has/have discretion to determine whether to conduct a bargaining agreement?
- A. The court
  - B. The prosecution**
  - C. The DEFENCE counsel
  - D. All the above
47. In countries that require arrest warrants, which of the following is NOT a typical exception to the warrant requirement?
- A. Contraband is discovered in the suspect's possession
  - B. An emergency situation occurs
  - C. The offence occurs in an office**
  - D. All the above
48. In criminal trials in civil law jurisdictions, a jury must serve as the fact finder.
- A. True
  - B. False**
49. In common law jurisdictions, which of the following parties may access the full evidentiary record during pre-trial phase of criminal proceedings?
- A. The judge only
  - B. Both prosecution and DEFENCE**
  - C. Prosecution only
  - D. None of the above
50. XYZ Manufacturing has a document destruction procedure in which emails are automatically deleted after a specified period. A customer filed a civil lawsuit against XYZ in a common law jurisdiction, claiming that XYZ sent fraudulent invoices. Under most common law systems, which of the following is TRUE in regard to duty to preserve evidence?
- A. The court would establish when XYZ should preserve and produce documents.
  - B. The parties to the litigation have the duty to preserve evidence**
  - C. Both the court and the parties have responsibility to preserve evidence
  - D. None of the above
51. Which one of the following is the alternative dispute process whereby an impartial third person determine a dispute based on merit?
- A. Arbitration**
  - B. Mediation
  - C. Reconciliation
  - D. Agreement

52. In most civil law jurisdictions, which of the following procedures may a civil appellate court generally perform?
- A. Interview more witnesses
  - B. Enter judgment if law issues are correct
  - C. Collect more documentary evidence
  - D. All the above**
53. Which one of the following is a civil litigation remedy?
- A. Injunction
  - B. Damages
  - C. Equitable relief
  - D. All the of the above**
54. The first phase of a litigation process featured in most common law jurisdictions is referred as:
- A. The Pretrial phase**
  - B. Investigation phase
  - C. Examination phase
  - D. Trial phase
55. Arbitration is an alternative dispute resolution, where the arbitrator acts as:
- A. Judge or jury**
  - B. Third party mediator
  - C. Jury
  - D. None of the above
56. Which one of the following procedures may a civil appellate court perform in most adversarial jurisdictions?
- A. Obtain more expert opinions
  - B. Obtain more documentary evidence
  - C. Obtain more witnesses testimony
  - D. None of the above**
57. A fraud suspect is a defendant in a civil fraud lawsuit filed by his employer. The jurisdiction allows the defendant to file a claim against his employer who owes him salary arrears. Which one of the following BEST describes the defendant's claim?
- A. Compensation claim
  - B. An appeal claim
  - C. Employees rights claim
  - D. None of the above**
58. Most courts will consider some mixture of which of the following factors to determine which jurisdiction's laws to apply:
- A. The nationality of the parties to the litigation

- B. The current residence of the parties (whether temporary or permanent)
- C. The parties' current or past physical presence in the relevant jurisdictions
- D. All the above**

59. In civil law jurisdictions, which of the following BEST describes the major role of the advocates' parties to the litigation in a trial proceeding

- A. To request and obtain documentary evidence from each other during pretrial
- B. To conduct cross examination of witnesses
- C. To collect more expert opinions
- D. None of the above**

60. Which of the following is NOT true about a civil trial both in the Civil and common law legal systems?

- A. In both civil and common law legal system, for civil cases, only the losing side may appeal from an adverse verdict.**
- B. In both civil and common law legal system, for civil cases, both the losing and winning side may appeal from an adverse verdict.
- C. In the civil law legal systems, for civil cases, the appellate court can determine both issues of evidence and the law
- D. In the common law legal systems, for civil cases, the appellate court can only determine issues of the law

61. In both civil and common law jurisdictions, civil and criminal trial juries must be composed of the same number of members and the verdicts must be unanimous

- A. True
- B. False**

62. In the common law jurisdictions, the duty to preserve relevant evidence regarding civil litigation typically arises at what point of the litigation proceedings?

- A. When litigation is reasonably anticipated**
- B. When litigation has commenced
- C. When the judge gives directives on the preservation of evidence
- D. All the above

63. In civil trials, most civil law jurisdictions favor written evidence while most adversarial jurisdiction favor testimony evidence

- A. True**
- B. False

64. Which of the following is an alternative method to legal litigation for recovering against losses caused by dishonest employees?

- A. Mediation
- B. Arbitration

C. Fidelity insurance

**D. All the above**

65. Which of the following is TRUE about filing of a civil action?
- A. Pleading in the jurisdiction in which the defendant or plaintiff resides or where the claim arose
  - B. Pleading in the jurisdiction where the defendant resides
  - C. Pleading usually in the jurisdiction where the plaintiff resides
  - D. None of the above**
66. John filled a civil case against Jack, claiming that Jack breached in performing a contract that they had agreed and signed. Which of the following remedy would John likely be seeking?
- A. Damages relief**
  - B. Equitable relief
  - C. Declaratory relief
  - D. All the above
67. Which of the following statements concerning civil trials in common law jurisdictions is NOT correct?
- A. The jury typically decides the order in which evidence is presented
  - B. The defendant typically presents their evidence first
  - C. The judge typically presents the evidence at trial
  - D. All the above**
68. In both civil and criminal litigations, in most adversarial jurisdictions, when is evidence discovered by each opposing side?
- A. After the court has completed the evidence-gathering process
  - B. During the investigation stage
  - C. Throughout the trial as the court gathers evidence
  - D. During the pretrial stage**
69. Which one of the following BEST describes what is typically included in the trial record of a civil lawsuit in the inquisitorial jurisdictions?
- A. The opposing counsel transcript of all oral testimony
  - B. The judge's summaries of the evidence**
  - C. All documents submitted as evidence
  - D. All of the above
70. Which of the following statements is TRUE, in regard to jury's verdict in both the common law and inquisitorial jurisdictions, in civil cases?
- A. The jury's verdict in both jurisdictions is not required to be unanimous**
  - B. The jury's verdict in both jurisdictions must be unanimous
  - C. The jury's verdict in the common law jurisdictions must unanimous

- D. The jury's verdict in the civil law jurisdictions is not required to be unanimous
71. In criminal proceedings in the common law, which of the following statement is NOT correct in regard to the defendant's right to access relevant information from the prosecution?
- A. The DEFENCE is not entitled to any information held by the prosecution
  - B. The DEFENCE has the same right to information held by the prosecution, as parties in civil litigation
  - C. The DEFENCE may access all relevant information held by the prosecution, including the attorney work product.
  - D. All the of the above**
72. A defendant in a criminal case may properly use mistake as a legal DEFENCE against charges of criminal conduct.
- A. True**
  - B. False
73. In most inquisitorial jurisdictions, which of the following parties typically serves as the fact finder in criminal trials?
- A. Professional judges and a panel of lay judges
  - B. The judge
  - C. The jury
  - D. All the above**
74. Which of the following statements concerning the criminal discovery process in adversarial jurisdictions is most ACCURATE?
- A. Either party may request evidence from each other during litigation before trial
  - B. Most discovery between the parties occurs during the pretrial stage
  - C. Disclosure of information for criminal offences in common law jurisdiction is heavily limited
  - D. All the above**
75. Jurisdictions that recognize corporate criminal liability can hold a corporation vicariously liable for acts committed by which one of the following parties related to the organization?
- A. Legal counsel
  - B. Directors
  - C. Independent contractors
  - D. All of the above**
76. In most inquisitorial countries, a civil appellate court may review issues of both law and facts independently of the trial court's determinations.
- A. True**
  - B. False

77. In most jurisdictions, private investigators must always have a court order to access a suspect's financial information for investigation purposes.
- A. True
  - B. False**
78. In common law jurisdictions, a criminal defendant's prior convictions are usually NOT admissible as evidence in a court of law because of which of the following reasons?
- A. Character evidence is not admissible as evidence to determine a criminal defendant's guilt
  - B. Character evidence is not admissible because it is not relevant to the facts at issue
  - C. Character evidence is not reliable
  - D. All the above**
79. Which one of the following statements with regard to criminal bargaining agreements is most Accurate?
- A. Bargaining agreements are more commonly accepted in civil law jurisdictions than in common law jurisdictions
  - B. Bargaining agreements are only allowed in civil law jurisdictions
  - C. Bargaining agreements are only allowed in common law jurisdictions
  - D. None of the above.**
80. In inquisitorial jurisdiction, the DEFENCE legal counsel in a criminal trial can challenge a juror for no reason. Which one of the following BEST describes this challenge?
- A. Challenge with a cause
  - B. Challenge with no cause
  - C. Peremptory challenge**
  - D. None of the above
81. A criminal defendant in an adversarial jurisdiction was convicted at trial for fraud. The defendant wants to appeal the decision, claiming that the high court judge made an error in applying the law. Is the defendant likely to be successful in his appeal?
- A. Yes, if the defendant has sufficient evidence to support his claim
  - B. Yes, if the defendant was denied a fair hearing during the trial
  - C. No, because the common law jurisdiction does not feature the right to appeal
  - D. Yes, because the common law appellate courts determine issues of the law only.**
82. In most adversarial jurisdictions, a defendant's guilt and sentencing are determined during separate trial proceedings phases
- A. True**
  - B. False

83. Which one of the following statements is NOT correct with regard closing arguments in a criminal trial?
- A. The prosecutor cannot draw reasonable conclusion based on facts
  - B. The prosecutor may express an opinion with regard to the guilt of the defendant
  - C. The prosecutor can attack the credibility of the witness
  - D. All the above**
84. The United Nations' International Convention on Civil and Political Rights (ICCPR) guarantees which of the following rights?
- A. Right to be informed of charges
  - B. Right to privacy
  - C. Right to appeal
  - D. All of the above**
85. In the common law jurisdictions, a judge or magistrate discover evidence and defence, when it is presented during trial by the parties to litigation
- A. True**
  - B. False
86. Some common law jurisdictions allow peremptory challenges to dismiss prospective jurors without a just cause. Which one of the following is NOT an allowable reason for the prosecution to apply?
- A. The juror's religion**
  - B. The attorney doesn't like the look on the juror's face
  - C. The juror's ability to speak the desired language
  - D. The juror's attitude
87. In criminal trials in some common law jurisdictions, the court may use character evidence to determine the convicted criminal's sentence but not the criminal defendant's guilt.
- A. True**
  - B. False
88. In civil law, in criminal trial proceedings, the evidentiary record is discovered by the court during trial as the evidence is presented by the prosecutor.
- A. True
  - B. False**
89. Which one of the following parties might serve as fact finders in trial proceedings in various common law systems that use juries?
- A. A panel of both professional and lay judges
  - B. A jury**
  - C. A judge
  - D. None of the above

90. Which one of the following BEST describes both the prosecution and defendant's right to disclosure of information from each other in criminal proceedings in adversarial jurisdictions?
- A. The prosecution is typically entitled to more disclosures from the defendant than parties in civil litigation
  - B. The prosecution is not entitled to any disclosures
  - C. Both prosecution and the defendant is heavily limited in disclosures that it may obtain, but might be entitled to exhibits to be presented as evidence during trial**
  - D. All the above
91. In common law jurisdictions, judges most commonly serve as the fact finder in criminal proceedings, but some jurisdictions use juries or panels of professional judges and lay judges for serious cases.
- A. True
  - B. False**
92. Which of the following statements concerning appellate procedure in common law and civil law jurisdictions is most ACCURATE?
- A. Appellate courts in common law jurisdictions generally may only review issues of fact independently of the trial court's determinations
  - B. Appellate courts in civil law jurisdictions generally may only review issues of fact independently of the trial court's determinations
  - C. Appellate courts in common law jurisdictions generally may review issues of both fact and law independently of the trial court's determinations.
  - D. None of the above**
93. Under the United Nations' International Convention on Civil and Political Rights (ICCPR), those accused of criminal charges are generally entitled to a fair hearing that is public, the results of which should be disclosed to the public.
- A. True**
  - B. False
94. During an investigation interview, if a private investigator denies a suspect freedom to leave, this conduct by the private investigator is referred to as:
- A. Custodial arrest
  - B. False imprisonment**
  - C. Remand
  - D. None of the above
95. Which one of the following statements is NOT correct with regard to burden of proof in civil and common law legal systems?
- A. The burden of proof for a civil and criminal trial in inquisitorial jurisdiction is the same



- B. The burden of proof for a civil trial in the civil law jurisdiction is lower than the burden of proof for a civil trial in the common law jurisdiction**
- C. The burden of proof for a criminal trial in the civil law jurisdiction is lower than the burden of proof in a criminal trial in a common law jurisdiction
- D. All the above
96. Which of the following is NOT one of the stages of a criminal legal proceeding in an adversarial jurisdiction?
- A. The trial phase
- B. The investigative phase**
- C. The Pre- trial phase
- D. All the above
97. Which one of the following statements is CORRECT with regard to burden of proof in civil and common law legal systems?
- A. The burden of proof for a civil and criminal trial in inquisitorial jurisdiction is the same
- B. The burden of proof for a civil trial in the civil law jurisdiction is higher than the burden of proof for a civil trial in the common law jurisdiction
- C. The burden of proof for a criminal trial in the civil law jurisdiction is lower than the burden of proof in a criminal trial in a common law jurisdiction
- D. All the above**
98. Which of the following statements is TRUE about administrative laws?
- A. Administrative laws are concerned with rules and procedures of administrative government agencies
- B. Administrative agencies have authority to legislate and enforce laws
- C. Administrative agencies are under the executive branch and a created and assigned specific tasks by legislature
- D. All the above**
99. Which of the following is statement is TRUE?
- A. Civil law, is a body of law that provides remedies for violation of private rights
- B. Criminal law, is a body of law that defines criminal offences and penalties for violation of the law
- C. Common law, is a body of law which is a system of legal principles developed by judges through court decisions.
- D. All the above**
100. Which of the following statement is NOT correct?
- A. The two sources of law in the common law legal systems are the common law and the substantive law
- B. Most common law legal systems are now moving away from common law and developing statutes
- C. Most adversarial jurisdiction uses common law in criminal cases**
- D. A civil action, is a legal action that does not result in criminal fine or incarceration